#### **ARTICLE IV: ZONING**

#### 30-4-1 DISTRICTS ESTABLISHED AND DESCRIBED

All property within the City's zoning jurisdiction shall be divided into zoning districts with the designations and purposes listed below."

### 30-4-1.1 General Use Districts

(A) Agricultural:

#### AG AGRICULTURAL DISTRICT

The AG, Agricultural District is primarily intended to accommodate uses of an agricultural nature including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions. The district is established for the following purposes:

- 1) to preserve the use of land for agricultural, forest, and open space purposes until urban development is enabled by the extension of essential urban services;
- 2) to provide for the orderly transition to urban uses by preventing premature conversion of farmland;
- 3) to discourage any use that would create premature or extraordinary public infrastructure and service demands; or
- 4) to discourage scattered commercial and industrial land uses.
- (B) Single Family Residential:

In the following districts the number refers to the minimum lot size in thousands of square feet.

## 1) RS-40 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-40, Residential Single Family District is primarily intended to accommodate single family detached dwellings on large lots and is intended solely for properties having one or more of the following characteristics:

- a) lies within the 65 Ldn noise contour line;
- b) lies in a public water supply watershed and where an outfall to provide public sewer service is not available:

c) lies in a portion of a watershed critical area to which an outfall to provide sewer service has been made available pursuant to an agreement, approved by the City and by another governmental jurisdiction, designed to limit development density to approximately that obtainable prior to sewer service.

## 2) RS-30 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-30, Residential Single Family District is primarily intended to accommodate low density single family detached dwellings on large lots in areas (outside of water supply watersheds and the 65 Ldn airport noise contour) without access to public water and sewer services. The overall gross density in RS-30 areas will typically be 1.3 units per acre or less.

## 3) RS-20 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-20, Residential Single Family District is primarily intended to accommodate low to moderate density single family detached dwellings in developments where public sewer service is required. The overall gross density in RS-20 will typically be 1.9 units per acre or less.

# 4) RS-15 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-15, Residential Single Family District is primarily intended to accommodate moderate density single family detached dwellings in developments where public water and sewer service is required. The overall gross density in RS-15 will typically be 2.5 units per acre or less.

# 5) RS-12 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-12, Residential Single Family District is primarily intended to accommodate moderate density single family detached dwellings in developments where public water and sewer service is required. The overall gross density in RS-12 will typically be 3.0 units per acre or less.

## 6) RS-9 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-9, Residential Single Family District is primarily intended to accommodate moderate to high density single family detached dwellings in developments where public water and sewer service is required. The overall gross density in RS-9 will typically be 4.0 units per acre or less.

## 7) RS-7 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-7, Residential Single Family District is primarily intended to accommodate high density single family detached dwellings in developments where public water and sewer service is required. The overall gross density in RS-7 will typically be 5.0 units per acre or less.

# 8) RS-5 RESIDENTIAL SINGLE FAMILY DISTRICT

The RS-5, Residential Single Family District is primarily intended to accommodate high density single family detached dwellings in developments where public water and sewer service is required. The overall gross density in RS-5 will typically be 7.0 units per acre or less.

## (C) Multifamily Residential:

In the following districts the number refers to the maximum number of dwelling units per acre (after the first acre). Public water and sewer service is required in all districts.

# 1) RM-5 RESIDENTIAL MULTIFAMILY DISTRICT

The RM-5, Residential Multifamily District is primarily intended to accommodate duplexes, twin homes, townhouses, cluster housing, and similar residential uses at a density of 5.0 units per acre or less.

### 2) RM-8 RESIDENTIAL MULTIFAMILY DISTRICT

The RM-8, Residential Multifamily District is primarily intended to accommodate duplexes, twin homes, townhouses, cluster housing, and similar residential uses at a density of 8.0 units per acre or less.

### 3) RM-12 RESIDENTIAL MULTIFAMILY DISTRICT

The RM-12, Residential Multifamily District is primarily intended to accommodate multifamily uses at a density of 12.0 units per acre or less.

## 4) RM-18 RESIDENTIAL MULTIFAMILY DISTRICT

The RM-18, Residential Multifamily District is primarily intended to accommodate multifamily uses at a density of 18.0 units per acre or less.

## 5) RM-26 RESIDENTIAL MULTIFAMILY DISTRICT

The RM-26, Residential Multifamily District is primarily intended to accommodate multifamily uses at a density of 26.0 units per acre or less.

## (D) Office:

# 1) LO LIMITED OFFICE DISTRICT

The LO, Limited Office District is primarily intended to accommodate low intensity medical, professional, administrative, and government office uses on small to midsized sites near residential areas.

# 2) GO-M GENERAL OFFICE MODERATE INTENSITY DISTRICT

The GO-M, General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a density of 12.0 units per acre or less, and supporting service and retail uses.

# 3) GO-H GENERAL OFFICE HIGH INTENSITY DISTRICT

The GO-H, General Office High Intensity District is primarily intended to accommodate high intensity office and institutional uses, high density residential uses at a density of 26.0 units per acre or less, and supporting service and retail uses.

# (E) Commercial:

### 1) NB NEIGHBORHOOD BUSINESS DISTRICT

The NB, Neighborhood Business District is primarily intended to accommodate very low intensity office, retail, and personal service uses within residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is not intended to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

## 2) LB LIMITED BUSINESS DISTRICT

The LB, Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to

provide locations for businesses which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

## 3) GB GENERAL BUSINESS DISTRICT

The GB, General Business District is primarily intended to accommodate a wide range of retail, service, and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

# 4) HB HIGHWAY BUSINESS DISTRICT

The HB, Highway Business District is primarily intended to accommodate retail, service, and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which cater primarily to passing motorists and require high visibility and good road access. Developments in this district generally have substantial front setbacks.

## 5) CB CENTRAL BUSINESS DISTRICT

The CB, Central Business District is solely intended for application in the central core of the city. The district is established to encourage high intensity, compact urban development. The district is intended to accommodate a wide range of uses including office, retail, service, institutional, and high density residential developments in a pedestrian-oriented setting.

# 6) SC SHOPPING CENTER DISTRICT

The SC, Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, and coordinated signage and landscaping.

# (F) Industrial:

# 1) CP CORPORATE PARK DISTRICT

The CP, Corporate Park District is primarily intended to accommodate office, warehouse, research and development, and assembly uses on large sites in a

planned, campus-like setting compatible with adjacent residential uses. The district may also contain retail and service uses which customarily locate within planned employment centers.

# 2) LI LIGHT INDUSTRIAL DISTRICT

The LI, Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities which in their normal operations, have little or no adverse effect upon adjoining properties.

# 3) HI HEAVY INDUSTRIAL DISTRICT

The HI, Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties.

# (G) Public and Institutional:

## 1) PI PUBLIC AND INSTITUTIONAL DISTRICT

The PI, Public and Institutional District is intended to accommodate mid- and large-sized public, quasi-public, and institutional uses which have a substantial land use impact or traffic generation potential. It is not intended for smaller public and institutional uses customarily found within residential areas.

# (H) Traditional Neighborhood:

### 1) TN1 TRADITIONAL NEIGHBORHOOD DISTRICT

The TN1 Traditional Neighborhood District is intended to establish land use and design standards to be applied specifically in neighborhoods where a variety of uses are permissible in accordance with general standards. Foremost among these standards is adherence to an approved Traditional Neighborhood Development Plan. TN1 districts are designed to be walkable, pedestrian- and transit-oriented communities, and generally are organized so that the distance from the edge of each neighborhood in the district to the center is about 1/4 mile. This development concept is intended to perpetuate and extend the predominant pattern

of urban development prior to World War II and to encourage a vibrant community of mixed uses. The TN1 District must include a variety of building types in accordance with the approved Traditional Neighborhood Development Plan, including attached and detached single family, multifamily, mixed-use, business and civic buildings.

#### 30-4-1.2 Conditional Use Districts

- (A) Purpose: Conditional Zoning Districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the uses itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted comprehensive plan, and adopted district and area plans. The review process established in Section 30-3-13 (Conditional Zoning Districts) provides for the accommodation of such uses by a reclassification of property into a Conditional Zoning District, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.
- (B) Parallel Conditional Zoning Districts Established: A parallel Conditional Zoning District is a zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a General Zoning District having a parallel designation or name. A Conditional Zoning District, bearing the designation CD, is hereby established as a parallel district for every district established in Section 30-4-1.1 (General Zoning Districts). These districts are CD-AG, CD-RS-40, CD-RS-30, CD-RS-20, CD-RS-15, CD-RS-12, CD-RS-9, CD-RS-7, CD-RS-5, CD-RM-5, CD-RM-8, CD-RM-12, CD-RM-18, CD-RM-26, CD-LO, CD-GO-M, CD-GO-H, CD-NB, CD-LB, CD-GB, CD-HB, CD-CB, CD-SC, CD-CP, CD-LI, CD-HI, and CD-PI. All regulations which apply to a General Zoning District shall also apply to the parallel Conditional Zoning District.
- (C) Conditional Planned Unit Development Zoning Districts Established:
  - 1) CD-PDR CONDITIONAL PLANNED UNIT DEVELOPMENT - RESIDENTIAL DISTRICT - The CD-PDR, Conditional - Planned Unit Development - Residential District

is intended to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan. The CD-PDR District also accommodates neighborhood business and office uses which primarily serve nearby residents.

- 2) CD-PDM CONDITIONAL PLANNED UNIT DEVELOPMENT MIXED DISTRICT The CD-PDM, Conditional Planned Unit Development Mixed District is intended to accommodate residential, commercial, and light industrial uses developed on large tracts in accordance with a Unified Development Plan.
- 3) CD-PDI CONDITIONAL PLANNED UNIT DEVELOPMENT INFILL DISTRICT, The CD-PDI, Conditional Planned Unit Development Infill District is intended to accommodate residential, commercial, office, and neighborhood business uses developed on small tracts of land as infill development within currently built up area in accordance with a Unified Development Plan.

# 30-4-1.3 Overlay Districts

Overlay Districts establish regulations for certain areas in addition to the regulations of the underlying General Zoning or Conditional Zoning District(s).

- (A) HD HISTORIC DISTRICT. The HD, Historic Overlay District establishes regulations which will help maintain the historic integrity of certain areas within the City. These regulations are specified in Section 30-4-4 (Overlay District Requirements).
- (B) SR SCENIC CORRIDOR DISTRICT. The SR, Scenic Corridor Overlay District establishes regulations which will enhance the attractiveness of certain major thoroughfares within the City. These regulations are specified in Section 30-4-4 (Overlay District Requirements).
- (C) AR AIRPORT DISTRICT. The AR Airport Overlay District establishes very low residential densities near the Piedmont Triad International Airport so as to minimize the negative effects of aircraft noise on homes and prohibits the erection of structures which would, by virtue of their height, interfere with operations at Piedmont Triad International Airport. These regulations are specified in Section 30-4-4 (Overlay District Requirements).
- (D) MH MANUFACTURED HOUSING DISTRICT. The MH, Manufactured Housing Overlay District establishes regulations governing the development of manufactured housing on individual lots in certain areas of the City. These regulations are specified in Section 30-4-4 (Overlay District Requirements).

- (E) WCA WATERSHED CRITICAL AREA DISTRICT. The WCA, Watershed Critical Area Overlay District establishes regulations for protecting the portion of a water supply watershed adjacent to a water supply intake or reservoir. These regulations are specified in Section 30-7-1 (Water Supply Watershed Districts) and Section 30-7-3 (Watershed Critical Areas).
- (F) GWA GENERAL WATERSHED AREA DISTRICT. The GWA, General Watershed Area Overlay District establishes regulations for protecting the portion of a water supply watershed outside the WCA. These regulations are specified in Section 30-7-1 (Water Supply Watershed Districts) and Section 30-7-2 (General Watershed Areas).

### 30-4-2 TRADITIONAL NEIGHBORHOOD DISTRICT REQUIREMENTS

# 30-4-2.1 Establishment of a Traditional Neighborhood Development Plan

- (A) Plan Approval and Rezoning: An application to rezone property to the TN1 preparation of a Traditional Neighborhood Development Plan for the project site and its adoption by the Planning Board. The filing of such an application is a pronouncement by the applicant of intent to adhere to a higher standard of design and to place a premium upon the long-term livability and attendant value appreciation of the development. It is also an acknowledgment that the developer will assume the risks inherent in larger up-front costs in order to make fuller utilization of land and to discourage sprawl. The process leading to the zoning map amendment for a TN1 zone includes a pre-submittal meeting, the submission of a complete set of the proposed Traditional Neighborhood Development Plan elements, the technical review of that Plan, the approval by the Planning Board of the Traditional Neighborhood Development Plan, an application for the proposed zoning map amendment, a public hearing on the zoning map amendment, and the adoption of the zoning map amendment.
- (B) Pre-submittal Meeting: A pre-submittal meeting shall be held between the Planning Department representatives and the applicant to acquaint staff with the proposed development, provide the applicant with preliminary staff comments, and identify major concerns or the need for additional data.
- (C) Neighborhood Meetings: The applicant is encouraged to hold informative plan development and refinement meetings, or a charette, at which residents and property owners in and near the affected property are invited to participate.
- (D) Traditional Neighborhood Development Plan Submission Elements: The proposed Traditional Neighborhood Development Plan shall include the following elements and shall be submitted to the Technical Review

Committee in accordance with Appendix 2 Map Standards (A-2-1 Number of Filing and Review Copies to be submitted):

- 1) Topographical map of the project site at two (2) foot intervals;
- 2) List of project-specific land uses;
- 3) List of project-specific site development standards, including standards in, or standards to stand in lieu of those in, Table 30-4-6-6 (Traditional Neighborhood District Dimensional Requirements); Section 30-4-7 (Supplementary Dimensional Requirements); Section 30-4-8 (Accessory Building, Structure, and Use Requirements); Section 30-4-9 (Fences); Section 30-5-4 (Landscaping Requirements); Section 30-5-5 (Sign Requirements); Table 30-6-13-1 (Minimum Public Street Design Standards); Table 30-6-13-4 (Minimum Private Alley Standards for Traditional Neighborhood Districts); and Section 30-6-13.5 (Sidewalks);
- 4) Location of streets and public open spaces;
- 5) Location of residential, commercial, and civic buildings and lots:
- 6) Location and amount of land in flood hazard areas and any other lands not suitable for development;
- 7) General location of any proposed watershed protection measures; and
- 8) Any other information required by the Technical Review Committee to demonstrate conformance with the Traditional Neighborhood District purposes and standards.
- (E) Technical Review of the Proposed Traditional Neighborhood Development Plan: The Technical Review Committee shall review the proposed Traditional Neighborhood Development Plan for adherence to the purposes of the Traditional Neighborhood District and consistency with the requirements of all applicable standards in this Ordinance and will forward its conclusions and recommendations to the Planning Board. Meeting minimum or maximum standards and/or guidelines will not be, in and of itself, evidence of adherence to the purposes of the TN1 Traditional Neighborhood District or of good neighborhood planning.
- (F) Adoption of the Traditional Neighborhood Development Plan: A public hearing shall be conducted by the Planning Board to review and consider for adoption the proposed Traditional Neighborhood Development Plan.

# 30-4-2.2 Rezoning to TN1 District

- (A) Submission of Rezoning Application: At any time after the submission of a proposed Traditional Neighborhood Development Plan, a rezoning application may be submitted to request designation of a TN1 District. The TN1 Traditional Neighborhood District boundaries need not be coterminous with the boundaries of the Traditional Neighborhood planning area.
- (B) Application Contents: A completed application for a zoning map amendment to establish or enlarge a TN1 District shall consist of the following elements:
  - 1) A rezoning application prepared in accordance with Section 30-3-12.2 (Procedure); and
  - 2) The Traditional Neighborhood Development Plan approved by the Planning Board. That adopted Plan shall be referenced in any ordinance granting zoning to the subject land as a TN1 Traditional Neighborhood District, and thenceforth that adopted Plan shall be a standard to which conformance of development within the zone is measured.
- (C) Zoning Commission: Once the completed application has been received, it shall be scheduled for public hearing at the Zoning Commission in accordance with Section 30-3-12.2 (Procedure).

# **30-4-2.3 Conformance to the Adopted Development Plan**

Once a Traditional Neighborhood Development Plan has been adopted, and the area has been rezoned to the TN1 District, minor changes in the location, siting, or use of buildings or deviations from the Dimensional Standards shown in Table 30-4-6-6 (Traditional Neighborhood District Dimensional Standards) or shown in the Plan may be authorized by the Technical Review Committee if required by engineering or other circumstances not foreseen at the time of Plan adoption. It is to be expected that certain housing types and land uses will sell or be filled faster than others. This normal and usual occurrence shall not justify the removal of housing types and land use types from the neighborhood mix, but it may justify adjustments of the percentages of the neighborhood devoted to various uses.

### **30-4-2.4 Phased Development**

Development occurring in phases shall meet the following requirements:

(A) Numbering: All phases shall be shown on the adopted Traditional Neighborhood Development Plan and numbered in the expected order of development. Changes to the order of development may be approved by the Technical Review Committee.

- (B) Final Plat Prerequisites: No final plat for a phase of a Traditional Neighborhood Development shall be approved unless:
  - 1) All common facilities included in previous phases have been started; and
  - 2) There is no violation of the Traditional Neighborhood Development Plan in any previous phase.

# 30-4-2.5 Design Guidelines for TN1 Districts

- (A) Traditional Neighborhood Development Architectural Standards:
  - 1) The use of architectural standards is not a requirement of this section. However, their use is not only permitted but also endorsed as a means to heighten sense of place, character, appearance, and property value.
  - 2) If the developer desires such standards, they may be submitted at any stage in the development process for review and approval by the Technical Review Committee as being consistent with the Traditional Neighborhood Development Plan.
  - 3) A developer may chose to include approved architectural standards as part of the Traditional Neighborhood Development Plan.
  - 4) Approved architectural standards, if any, shall be enumerated in restrictive covenants recorded prior to the first building permit, and enforced by the owners' association.
  - 5) If architectural standards are employed, all architectural plans for new buildings, expansions, and remodelings, shall be reviewed by a Town Architect retained by the developer for conformance with the architectural standards and the Traditional Neighborhood Development Plan.
- (B) General Design Guidelines in the TN1 Traditional Neighborhood District:
  - 1) Compatibility of Design:
    - a) Buildings within a block face must reflect a continuity of building scale at the building line.
    - b) A consistent building line should be maintained at the setback line along the street. However, projections of porches, bay windows, stoops, and other minor building masses into the street setback are encouraged in order to

create an interesting block character. Large street setbacks to accommodate parking lots in front of a building are prohibited.

- c) In areas of mixed residential types, the height and massing of a building shall be no more than twice the height and massing of structures adjacent to or across the street from the building.
- d) A commercial or mixed-use building must integrate its appearance with the area and shall not exceed twice the height and massing of adjacent buildings
- 2) Human Scale Design: Human scale design typically reflects the elements listed below.
  - a) Buildings that avoid long, monotonous, uninterrupted walls or roof planes. Blank, windowless walls are generally not allowed along street frontages. Where solid walls are required by building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills, lintels, or if the building is occupied by a commercial use, by using recessed or projecting display window cases;
  - b) Commercial structures that incorporate awnings or arcades, which may project over the sidewalk into the street right-of-way with city approval;
  - c) Ground floor retail, service, restaurant, and other commercial uses with display windows on a minimum of fifty percent (50%) of the first floor front to provide views into the interior of buildings;
  - d) Entrances and storefronts facing the street;
  - e) Doors, windows, balconies, porches, and roof decks with visibility of the street and other public spaces to encourage social interaction;
  - f) Porches generally as a significant element of the house design, located on the front or side of the dwelling; and

- g) Rear vehicle access from an alley as a preference. However, if a garage is oriented toward the street, it must be located a minimum of twenty (20) feet behind the front façade of the principal structure. Freestanding garages and carport structures for multiple dwelling unit buildings must be designed to be integral with the building design or sited so as to avoid long and monotonous rows of garage doors and long monotonous building walls.
- (C) Guidelines for the Provision of Traditional Neighborhood Open Space: The purpose of this subsection is to provide and emphasize safe and inviting traditional neighborhood open spaces such as squares, parks, and greenways, and to integrate them into the neighborhood pattern for the active and passive enjoyment of neighborhood residents. Traditional neighborhood open space should be incorporated as a fundamental element of the Plan. Traditional neighborhood open space should be planned and improved to be highly accessible and usable by persons living or working nearby. Except for areas designated as preserves, it should be cleared of underbrush and debris and may contain one or more of the following or similar improvements: landscaping, walks, benches, seating areas, fountains, ponds, ball fields and playground equipment. Significant stands of trees, streamside areas, and other valuable topographic features should be preserved within the open space areas.

#### 30-4-3 PLANNED UNIT DEVELOPMENT DISTRICT REQUIREMENTS

### 30-4-3.1 General Requirements

- (A) Findings: Applications for Conditional Planned Unit Development Districts shall be approved only if all of the following findings are made:
  - 1) That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
  - 2) That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;

- 3) That application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and
- 4) That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the City.
- (B) Effect of Approval: The approved Conditional Zoning Site Plan and the approved Unified Development Plan shall govern all uses and development activities in a planned unit development. Any use or development activity not in conformance with these plans shall constitute a violation of this Ordinance and shall be subject to the enforcement remedies in Article VIII (Enforcement).
- (C) Relationship to Other Applicable Regulations: Except as provided by this Section, a planned unit development shall be subject to all of the applicable standards, procedures, and regulations in other sections of this Ordinance.

## 30-4-3.2 Minimum Size and Uses Allowed

- (A) Conditional Planned Unit Development Residential (CD-PDR):
  - 1) Minimum Size: No CD-PDR District shall be approved for a site of less than twenty-five (25) contiguous acres under unified ownership or control.
  - 2) Uses Allowed: A CD-PDR District allows all uses permitted in residential districts, in the Neighborhood Business (NB) District, or in the Limited Office (LO) District.
- (B) Conditional Planned Unit Development Mixed (CD-PDM):
  - 1) Minimum Size: No CD-PDM District shall be approved for a site of less than twenty-five (25) contiguous acres under unified ownership or control.
  - 2) Uses Allowed: A CD-PDM District allows all permitted uses except those uses which are only allowed in the Heavy Industrial (HI) District or the Agricultural (AG) District.
- (C) Conditional Planned Unit Development Infill (CD-PDI):
  - 1) Minimum Size: No CD-PDI District shall be approved for a site of less than one-half (0.5) acre or greater than twenty-five (25) contiguous acres under unified ownership or control.

- 2) Location: A CD-PDI District shall only be approved if it is surrounded by properties that are improved or had previously been improved (with buildings or structures). The district cannot be established where the subject property or adjacent property has been in agricultural production within the past five years.
- 3) Uses Allowed: A CD-PDI District allows all the uses permitted in residential, office, and commercial districts.

## **30-4-3.3 Development Standards**

Those development standards in Articles IV, V, and VI pertaining to density, size, location, and arrangement of buildings and structures; lot dimensions; and landscaping are waived in CD-PDR, CU-PDM, and CU-PDI Districts. The development standards below in this Section, those in the approved Unified Development Plan, and any in the approved Conditional Zoning Site Plan shall apply.

- (A) Dimensional Standards: The dimensional standards of this Ordinance are waived in CD-PDR, CD-PDM, and CD-PDI Districts except that:
  - 1) In CD-PDR and CD-PDM Districts, within fifty (50) feet of any RS district the height regulations of that RS district shall apply.
  - 2) No lots for single family detached dwellings shall be less than five thousand (5,000) square feet in area.

# (B) Access:

- 1) Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.
- 2) Primary vehicular access to office, commercial, or industrial development shall not be through intervening residential development.

## (C) Commercial Areas:

- 1) Commercial areas and adjacent residential, office, and industrial areas in all CD-PD Districts shall be arranged to promote pedestrian access between and within such areas.
- 2) Commercial uses in a CD-PDR District shall be located on and shall face an internal street of the development.
- 3) Ten percent (10%) of the total land area in a CD-PDR District may be occupied by or used for commercial purposes, provided that at no time shall the cumulative amount of land developed for commercial purposes exceed

the cumulative amount of land developed for residential purposes.

- 4) Commercial areas are permitted in a CD-PDR District if they are designed and located to serve primarily the residents of the planned unit development.
- (D) Local Street Design: Local streets shall be located and designed so that they do not encourage through access by traffic with origins and destinations outside of the development.
- (E) Context: The height, building coverage, setbacks, and land uses along the perimeter of all CD-PD Districts shall be in harmony with development on adjacent lands. Such boundary treatment is not required where the perimeter of a CD-PDR, CD-PDM, or CD-PDI District is along the right-of-way of a railroad or street that is already constructed or is being constructed as part of the planned unit development. At other locations, development in a CD-PDR or CD-PDM District shall either provide a Type A planting yard or comply with 1) or 2) of the following, and development in a CD-PDI District shall comply with 3) and 4) of the following.
  - 1) The scale and setbacks of buildings and structures in a CD-PDR and CD-PDM District within one hundred and fifty (150) feet of the perimeter of the planned unit development shall be in harmony with development on adjacent lands.
  - 2) No commercial or industrial use in a CD-PDR or CD-PDM District shall be permitted within one hundred and fifty (150) feet of the perimeter of the planned unit development unless the adjacent zoning district permits the same or a similar use adjacent to the perimeter at the time of zoning district approval.
  - 3) Where a CD-PDI District is established on property which shares a block face with property already improved (with buildings and structures), development within the CD-PDI shall not exceed the maximum or minimum height, lot coverage, or setbacks set by those improvements.
  - 4) No nonresidential use in a CD-PDI District shall be permitted within seventy-five (75) feet of the perimeter of a planned unit development, unless the adjoining zoning district permits the same or similar uses adjacent to the perimeter.

# (F) Signs:

1) Specifications of size, type, height, setback, location, design, illumination, and number of signs shall be in the

Common Sign Plan element of the Unified Development Plan. Specifications shall be as restrictive or more restrictive than the regulations of the zoning districts designated below unless exceptions are approved by the Planning Board. However, no exception shall be approved by the Planning Board with respect to type of sign permitted.

Predominant Use in Section of PUD	No Less Restrictive than
Residential areas	RM-12
Office areas	LO
Commercial areas in CD-PDR	NB
Commercial areas in CD-PDM	LB
Industrial areas	СР

- 2) All signs shall use a coordinated color, style, and lettering scheme shown on the Common Sign Plan.
- (G) Parking: Off-street parking for each use in a planned unit development shall be provided in accordance with the standards set forth in this Ordinance. The Technical Review Committee/Planning Board may approve a reduction in the number of spaces if the Unified Development Plan provides convenient pedestrian and/or bicycle access among uses.
- (H) Environmentally Sensitive Areas: The following shall be left natural and undisturbed except for street crossings, utilities, and erosion control devices:
  - 1) Land within a Floodway or Floodway Fringe; and
  - 2) Wetlands, steep slopes, and other critical ecological areas.
- (I) Open Space and Common Recreational Facilities:
  - 1) In a planned unit development district, open space is only that land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned unit development. Open space may be common area owned by an owners' association or parkland or drainageway and open space dedicated to the public.
  - 2) To qualify as open space, land shall be usable for recreation purposes or provide visual, aesthetic, or environmental amenities, and may not be occupied by streets, drives, parking areas, or structures other than recreational structures.

- 3) Common area open space shall conform to the location requirements of Section 30-4-6.1(B)4)d) and e).
- 4) Land within a Floodway or Floodway Fringe may be used to provide not more than fifty percent (50%) of the open space required in a planned unit development.
- 5) All property owners in the planned unit development shall have access to the open space by means of a public or private street or all-weather walkway in an easement a minimum of twenty (20) feet in width.
- 6) The following amounts of open space are required:
  - a) Two and one-half (2 1 / 2) acres per one hundred (100) dwelling units; and
  - b) Ten percent (10%) of the gross land area for office, commercial, and industrial uses.
- 7) The Technical Review Committee/Planning Board may reduce the required open space in any CD-PD District, depending upon the nature and extent of active recreational facilities provided.
- 8) Open space shall be provided within each phase of the planned unit development in sufficient amounts to serve the expected population of that phase.

#### 30-4-3.4 Procedures

- (A) Rezoning to a Conditional Use Planned Unit Development District:
  - 1) Prior to submitting an application for rezoning to a CD-PD District the applicant shall submit a Sketch Plan prepared in accordance with Appendix 2 (Map Standards) that also includes:
    - a) The general location and amount of land proposed for single family residential, multifamily residential, office, commercial, industrial, open space/recreation, and street use:
    - b) The number of dwelling units or gross floor area and the acreage of each tract or area shown on the Sketch Plan;
    - c) The maximum height of buildings and structures in each such tract or area;

- d) The location and amount of land in flood hazard areas and any other lands not suitable for development; and
- e) Proposed watershed protection measures, including their general location, if the development is within a Watershed Critical Area District or a General Watershed Area District.
- 2) The Technical Review Committee shall review this Sketch Plan for consistency with the requirements of Article VI (Subdivisions: Procedures and Standards) and other applicable standards in this Ordinance. The Technical Review Committee, upon finding such consistency, shall approve the Sketch Plan for submission to the Zoning Commission in combination with a rezoning application. If the Sketch Plan is not approved for submission, it shall be returned to the applicant with written reasons for disapproval and/or requests for further information. The applicant may then revise and resubmit the Sketch Plan.
- 3) The rezoning application shall consist of the following materials:
  - a) A rezoning application prepared in accordance with Section 30-3-13 (Conditional Zoning Districts).
  - b) The Sketch Plan approved by the Technical Review Committee for submission. This Sketch Plan constitutes a map-based presentation of proposed zoning conditions attached to the Conditional Zoning District application. It does not constitute a Conditional Zoning Site Plan as required by Section 30-3-14.3 (Submission of Site Plans).
  - c) A Transportation Impact Study (TIS) in accordance with Section 30-3-20 (Transportation Impact Study (TIS)).
- 4) The completed application shall be processed in accordance with Article III (Permits and Procedures).
- 5) Approval of the rezoning application establishes the maximum density/intensity, maximum height, and general location of each use of each tract or area shown on the Sketch Plan.

- 6) Any proposed change in use, increase in density/intensity, decrease in open space and common recreational facilities, or substantial change in the location of permitted uses or streets from what is shown on the approved Sketch Plan shall be deemed a major change requiring an amendment of the Conditional Zoning District in accordance with Article III. Factors to be considered by the Enforcement Officer in determining if a change is substantial include, but are not limited to, the extent of the locational change and the expected impact on properties adjacent to the planned unit development.
- (B) Unified Development Plan Approval:
  - 1) The applicant shall submit a Unified Development Plan for approval by the Planning Board. The Unified Development Plan and all subsequent preliminary plats and site plans pursuant to it constitute Conditional Zoning Site Plans as required by Section 30-3-13.3(H) (Submission of Site Plans).
  - 2) The Unified Development Plan shall contain the following materials:
    - a) The Sketch Plan with proposed phase lines, if any;
    - b) Land use, density/intensity, and traffic data required in Section 30-4-3.4(A) above;
    - c) Common Sign Plan in accordance with Section 30-4-3.3(F) (Signs); and
    - d) Documents which specify proposed setbacks or other regulations governing building placement, and other information which the Planning Board may deem pertinent to plan approval. The applicant may use district regulations provided by this Ordinance or may propose regulations unique to his development. In no case shall the Unified Development Plan leave any area proposed for development unregulated.
  - 3) The Enforcement Officer shall review the Unified Development Plan for consistency with the Sketch Plan and for compliance with all applicable provisions of this Ordinance.

4) The Sketch Plan, Common Sign Plan, and documents specified in Subsection (B)2)d) above shall be recorded in the Office of the County Register of Deeds after Unified Development Plan approval and prior to any conveyance of the property, or portion thereof, or Final Plat recordation.

# 30-4-3.5 Phased Development

- (A) General Requirements: Planned unit developments may be developed in phases provided the following requirements are met:
  - 1) All phases shall be shown on the Unified Development Plan and numbered in the expected order of development;
  - 2) Open space and common facilities shall be included such that at any given phase of development the cumulative area of open space in all recorded phases and the total number of dwelling units and the gross land area devoted to nonresidential land uses approved in those phases comply with subsection 30-4-3.3(I) (Open Space and Common Recreational Facilities); and
  - 3) The phasing shall be consistent with the traffic circulation, drainage, and utilities plans for the overall planned unit development.
- (B) Final Plat Approval: No Final Plat for a phase of a planned unit development shall be approved unless:
  - 1) All open space and common facilities included in previous phases have been conveyed and/or completed; and
  - 2) There is no violation of the Unified Development Plan or Conditional Zoning District in any previous phase.

## 30-4-3.6 Owners' Association

When a development contains common areas, no Final Plat shall be recorded until Owners' Association documents prepared in accordance with Section 30-6-10 (Owners' Associations) are recorded in the County Office of the Register of Deeds.

### **30-4-4 OVERLAY DISTRICT REQUIREMENTS**

## **30-4-4.1 Establishment of Overlay Districts**

The establishment, amendment, or repeal of the boundaries of any overlay district shall be in accordance with the procedures set forth in Section 30-3-16 (Establishment of Original Zoning) and any procedures set forth in this Section.

## 30-4-4.2 Historic Districts

- (A) Designation Procedure: Historic districts, as provided for in this Section, may be designated, amended, or repealed through the following procedure:
  - 1) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district shall be prepared by the Historic Preservation Commission and a recommendation thereon made to the Planning Board.
  - 2) The North Carolina Department of Cultural Resources, acting through the State Preservation Officer or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries. Failure of the Department of Cultural Resources to submit its written analysis and recommendation to the City within thirty (30) calendar days after a written request for such analysis has been received shall relieve the City of any responsibility for awaiting such analysis. The City may at any time thereafter take any necessary action to adopt or amend this Ordinance with regard to historic districts.
  - 3) The City Council may also refer the report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action.
  - 4) Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the City, shall require the preparation of investigative studies by the Historic Preservation Commission; and they shall be referred to the Department of Cultural Resources for its review and comment according to the procedures set forth in this Section.
  - 5) The Planning Board shall review the recommendations and forward its comments and recommendations to the Zoning Commission.
  - 6) The Zoning Commission shall process the historic district overlay as a zoning map amendment in the same manner set forth in Section 30-3-12 (Zoning Map Amendments).
- (B) Dimensional Regulations and Exceptions: Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

- 1) Structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with Section 30-4-7.2 (Prevailing Street Setback).
- 2) All street setback (except as provided in subsection 1) above), interior setback, building coverage, and height requirements shall comply with applicable zoning regulations unless a special exception is approved by the Board of Adjustment. The special exception shall be granted only if it complies with the intent of the Historic District Design Guidelines and if first recommended by the Historic Preservation Commission.
- 3) Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces and/or design standards for parking lots specified by this Ordinance would render the site incompatible with the historic district design guidelines and the historic aspects of the district, it may recommend to the Board of Adjustment a special exception to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment may authorize as a special exception a reduced standard concerning off-street parking provided it finds:
  - a) that the lesser standard will not create problems due to increased on-street parking;
     and
  - b) that the lesser standard will not create a threat to the public safety.
- 4) Unless otherwise authorized by a Certificate of Appropriateness, all off-street parking shall be located to the rear of the principal building; provided, however, that parking in existing driveways and approved designated parking areas is exempt from this requirement.
- (C) Certain Changes Not Prohibited: Nothing in this Section shall be construed to prevent the following:
  - 1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof.

- 2) The construction, reconstruction, alteration, restoration, moving, or demolition of any such feature if the building inspector or Enforcement Officer has certified in writing to the Historic Preservation Commission that such action is required to protect the public safety because of unsafe or dangerous conditions.
- 3) The ordinary maintenance, repair, or replacement of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs, street light fixtures, etc., and repair or replacement of such items in the event of equipment failure, accidental damage, or natural occurrences such as electrical storms, tornadoes, ice storms, and the like, as long as the work does not involve a change in design or materials.

# (D) Certificate of Appropriateness Required:

- 1) A Certificate of Appropriateness shall be required for all activities specified in this Section whether a building permit is required or not.
- 2) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor aboveground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.
- 3) For the purposes of this Section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may include historic signs, color, and significant landscape, archaeological, and natural features of the area.
- 4) The Historic Preservation Commission may impose standards as may be set forth elsewhere in this Section or adopted by the Commission. Any building permit not issued in conformity with this Section shall be invalid.

- 5) The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the Certificate null and void and of no effect and application shall be made for a new Certificate. However, in the event the issuance of a Certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.
- 6) The Commission may, after adoption of architectural and historic guidelines, allow the review and approval of a minor work by the Director of the Department of Housing and Community Development or his designee provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.
- 7) The City and all public utilities, except as provided under Section 30-4-4.2(C) (Certain Changes Not Prohibited), shall be required to obtain a Certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street width, utility installations or removals, lighting, street trees, walls, fences, sidewalks, or exterior of buildings or structures on property or streets in which they have a fee or other interest.

# (E) Application Procedures:

- 1) Application for a Certificate of Appropriateness shall be made to the Department of Housing and Community Development on forms provided. The application shall be filed no later than fourteen (14) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, new construction, or demolition.
- 2) The Department of Housing and Community Development staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a Certificate of Appropriateness. The Housing and Community Development Department shall transmit the application, together with the supporting information and material, to the Historic Preservation Commission for consideration. The Commission shall act upon the application within sixty (60) days after the filing

thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant.

- 3) Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the Commission deems necessary, it may hold a public hearing concerning the application and seek the advice of the North Carolina Department of Cultural Resources or other expert advice.
- 4) The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant features, or signs in the historic district which would be incompatible with the Historic District Design Guidelines.
- 5) An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal:
  - a) May be taken by any aggrieved party;
  - b) Shall be taken within fifteen (15) days after the decision of the Commission; and
  - c) Shall be in the nature of certiorari.
- 6) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the County.

## (F) Review Criteria:

- 1) In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.
- 2) The Commission shall not consider interior arrangement.
- 3) The provisions of this Section shall not become effective for a historic district until after the Commission has adopted

detailed architectural and historic guidelines applicable to proposals within the historic district. These criteria shall take into account the historic, architectural, and visual elements of the district and shall be reviewed a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:

- a) Historic Significance or Quality: The quality or significance in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting, materials, workmanship, and feeling and association:
  - i) that are associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or that are associated with the lives of persons significant in the past; or
  - ii) that embody the distinctive characteristics of a type, period, or method of construction; or
  - iii) that represent the work of a master or that possess high artistic values; or
  - iv) that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, State, or national history; and
- b) Exterior Form and Appearance: In considering exterior form and appearance, the Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:

- i) Exterior features as described in Section 30-4-4.2(D) (Certificate of Appropriateness Required);
- ii) Height of the building or structure;
- iii) Setback and placement on lot of the building or structure, including lot coverage and orientation;
- iv) Exterior construction materials, including textures, patterns, and colors;
- v) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
- vi) Roof shapes, forms, and materials;
- vii) Proportions, shapes, positionings and locations, patterns, and sizes of any elements of fenestration;
- viii) General form and proportions of buildings and structures;
- ix) Appurtenant fixtures and other features such as lighting;
- x) Structural condition and soundness;
- xi) Use of local or regional architectural traditions; and
- xii) Effect of trees and other landscape elements.
- (G) Conditions: In granting a Certificate of Appropriateness the Commission may prescribe such reasonable and appropriate conditions and safeguards as it may deem advisable so that the purpose of the *Historic District Design Guidelines* is served.

- (H) Prevention of Demolition by Neglect of Historic Landmarks and Structures within Historic Overlay Districts
  - 1) Standards: The exterior features of any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an Historic Landmark or found to have significance located within the Historic Overlay District shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall upon written request by the City repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but no limited to any of the following defects:
    - a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
    - b) Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.
    - c) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
    - d) Deterioration or crumbling of exterior plasters or mortars.
    - e) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
    - f) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint, or weathering due to lack of paint or other protective covering.
    - g) Rotting, holes, and other forms of decay.
    - h) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural

details that causes delamination, instability, loss of shape and form, or crumbling.

- i) Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
- j) Deterioration of fences, gates, and accessory structures.
- k) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
- 2) Determination that Structures Require Correction to Prevent Demolition by Neglect

Petitions requesting a determination that a structure requires correction to prevent demolition by neglect can be filed with the Historic Preservation Commission in one of three ways: a) by the historic district neighborhood association; or b) with the signature of ten (10) adult individuals who either reside or own property in the historic district; or c) from a Building Inspector or other City official. If after notice and hearing, the Commission determines that any Historic Landmarks and Structures within Historic Overlay Districts as set forth in subsection 30-4-4.2(H)(1) require the correction of deterioration or making of repairs to prevent demolition by neglect as set forth in this Chapter the Commission may choose one of the following options (only one signature per address will count toward the ten signatures required):

- a) Vote to file the Petition with the City of Greensboro Engineering and Inspections Department; or,
- b) With the agreement of the property owner, vote to continue the matter for a specified period of time to allow for necessary repairs to be made. Whenever a property owner is given a specified time to make the necessary repairs in order to prevent demolition by neglect, the property owner may elect to make a claim of undue economic hardship in accordance with the procedure set out in subsection 30-4-4.2(H)(5)(b). The Commission may determine if undue or no undue economic hardship exist at the time the property owner makes a claim for

undue economic hardship or within sixty (60) days of the Commission's hearing on the claim. In the event of a finding of undue economic hardship, the provisions concerning a recommended plan to relieve the economic hardship found in subsection 30-4-4.2(H)(5)(d) is applicable.

- 3) Petition and Action: The Historic Preservation Commission or the Guilford County Historic Preservation Commission, whichever has jurisdiction, may file a petition listing specific defects with the Inspections Director requesting that he act under the following procedures to require the correction of deterioration or making of repairs to any Historic Landmark or significant structure located within the Historic Overlay District so that such structure shall be preserved and protected in accordance with the purposes of §30-1-3.5 (Historic District Overlay Purposes) and 30-4-1 (Districts Established and Described) of this Code. Significant structures are defined as those structures identified as having significance based on architectural survey records on file in the Department of Housing and Community Development, and as shown on maps contained in the designation report for each historic district.
  - a) Whenever a petition is filed with the Engineering and Inspections Director or his designee charging that a structure is undergoing demolition by neglect, the Director (or a designated agent) shall, if his preliminary investigation discloses a basis for such charges, within seven (7) days issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as the same may be determined by reasonable diligence, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Director at a place within the County in which the property is located therein fixed not less than thirty (30) nor more that forty-five (45) days after the serving of such complaint; that the owner and/or parties in interest shall be given a right to answer to give testimony at the place and time fixed in the complaint; that the commission with jurisdiction shall also be given

notice of the hearing; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Director. The purpose of the hearing is to receive evidence concerning the charge of deterioration and to ascertain whether the owner and/or other parties in interest wishes to petition the Greensboro Historic Preservation Commission or Guilford County Historic Preservation Commission for a claim of undue economic hardship.

- b) If the Commission votes to file the Petition with the City of Greensboro Engineering and Inspections Department, after notice and hearing, the Engineering and Inspections Director or his designee determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration, according to the standards of §30-4-4.2 (H)(1), the Director shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within the time specified those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated. In the event that the owner and/or other parties in interest wish to petition for a claim of undue economic hardship, the Director's order shall be stayed until after the Greensboro Historic Preservation Commission's determination in accordance with the procedures of §30-4-4.2 (H)(4), except as provided in §30-4-4.2 (H)(6).
- c) If the owner of property fails to comply with an order to repair, the owner shall be subject to such remedies and penalties as may be provided for by State law and/or by Section 30-4-4.2(H)(8)(Penalties and Remedies).
- 4) Methods of Service: Complaints or orders issued by the Engineering and Inspections Director or his designee shall be served upon persons either personally or by registered or certified mail; but if the whereabouts of such persons are unknown and the same cannot be ascertained by the

Director in the exercise of reasonable diligence, and the Director shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order may be made by publishing the same once each week for two (2) successive weeks in a newspaper generally circulated within the City. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

- 5) Safeguards from Undue Economic Hardship:
  - a) When a claim of undue economic hardship is made owing to the effects of this article, the Engineering and Inspections Director or his designee shall notify the Commission with jurisdiction within three (3) days following the hearing on the complaint.

The Commission shall schedule a hearing on the claim at its next regular meeting, within the limitations of its procedures for application deadlines.

The petitioner shall present the information provided under subsection (b) to the commission. The Commission may require that an owner and/or parties in interest furnish such additional information that is relevant to its determination of undue economic hardship. The commission may direct its staff to furnish additional information as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

b) When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide

evidence during the hearing upon the claim, describing the circumstances of hardship.

i) The minimum evidence shall include for all property:

aa) Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.

bb) Financial resources of the owner and/or parties in interest.

cc) Cost of repairs.

dd) Assessed value of the land and improvements.

ee) Real estate taxes for the previous two (2) years.

ff)Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.

gg) Annual debt service, if any, for the previous two (2) years.

hh) Any listing of the property for sale or rent, price asked, and offers received, if any.

ii) For income-producing property:

aa) Annual gross income from the property for the previous two (2) years.

bb) Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.

cc) Annual cash flow, if any, for the previous two (2) years.

c) Within sixty (60) days of the Commission's hearing on the claim, the commission shall cause to be made a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the Commission shall report such finding to the Engineering and Inspections Director or his designee, and the Director shall cause to be issued an order for such property to be repaired within the time specified.

- d) In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan my include, but is not limited to, property tax relief as may be allowed under North Carolina law, loans or grants from the City, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The commission shall report such finding and plan to the Engineering and Inspections Director or his designee. The Director shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.
- 6) Appeals: Findings made by the Engineering and Inspections Director or his designee or by the Commission with jurisdiction may be appealed to the Board of Adjustment. To perfect such an appeal, application must be filed by an aggrieved party with the Board of Adjustment within ten (10) days following receipt of the order for repair of the property or determination. Appeals shall be in the nature of certiorari.
- 7) Other City Powers: Nothing contained within this article shall diminish the City's power to declare an unsafe building or a violation of the minimum housing code.
- 8) Penalties and Remedies: Enforcement of this article may be by any one (1) or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.
  - a) Equitable Remedy: The City may apply for any appropriate equitable remedy to enforce the provisions of this article.
  - b) Civil Penalty: No civil penalty shall be levied unless and until the Engineering and Inspections Department shall deliver a written notice by personal service or by registered mail or by certified mail, return receipt requested, to

the person responsible for each violation indicating the nature of the violation and ordering corrective action. The notice shall also set forth the time period when corrective measures must be completed. The notice shall state that failure to correct the violation within the specified time period will result in the assessment of civil penalties and other enforcement action. If after the allotted time period has expired and after the hearing of an appeal if any by the Board of Adjustment, corrective action has not been completed, a civil penalty shall be assessed in the amount of one hundred dollars (\$100.00) per day of continuing violation.

c) Effect Repairs: If the owner fails to comply with an order to repair, the City may cause such building to be repaired. The City shall not cause the repair of the property in question until the Historic Preservation Commission shall by resolution or other decree order the City to proceed to make the necessary repairs to property which shall have been found to be in need of correction of deterioration to prevent demolition by neglect as set forth in this chapter. The amount of the cost of such repairs, alterations and improvements shall be a lien against the real property upon which such cost was incurred; said lien shall be filed, have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments for local improvements. The property owner shall have the option of paying for the cost of such repairs, alterations and improvements either in cash or in five (5) equal annual installments with such installments baring interest at the rate of six (6) percent per annum from the date of the filing of the lien. If any cost is not paid in cash, the first installment, with interest, shall become due and payable thirty (30) days after the date of the filing of the lien, and one (1) subsequent installment and interest shall be due and payable on the same day of the month in each successive year until the cost is paid in full. If any installment with interest is not paid

when due, it shall be subject to the same penalties as are now prescribed by law for unpaid assessments, in addition to the interest herein provided for, and, in addition, all of the installments remaining unpaid shall at once become due and payable and the property may be sold in the same manner as now prescribed by law for the sale of land for unpaid taxes. The whole cost of such repairs, alterations and improvements may be paid at the time of paying any installment by payment of the principal and all interest accrued to that date.

## 30-4-4.3 Scenic Corridor Overlay Districts

- (A) Overlay District Based on Corridor Plan: Before a Scenic Corridor Overlay District is established for any particular road, a Corridor Plan shall be prepared by the Planning Department describing the conditions, boundaries, and requirements for each proposed Scenic Corridor District. The plan shall, at a minimum, address the following issues:
  - 1) The type and arrangement of land uses along the corridor;
  - 2) The unique qualities of the corridor, such as landmark buildings, views and vistas, and natural features which merit special consideration or protection;
  - 3) The value of the corridor as an entryway to the City which influences the perception of individuals or firms considering residence or investment in the community;
  - 4) Signage (e.g. type, location, size, illumination, spacing, and number); and
  - 5) Transportation (e.g. vehicular access, dedication of right-of-way, driveway limitations, and traffic impacts.)
- (B) Corridor Plan Approval: The plan shall be forwarded, with the recommendations of the Planning Board and Zoning Commission, to the City Council for approval.
- (C) General Requirements: The following general requirements will apply to the Scenic Corridor Overlay District:
  - 1) For the purposes of this Ordinance, a Scenic Corridor Overlay District is a district that supplements the underlying zoning district established on the site. In addition to the requirements of the underlying zoning district(s), the requirements herein shall apply to all new construction, additions, alterations, or expansions to existing buildings,

- parking lots or vehicular storage areas, unless explicitly exempted.
- 2) All uses permitted in the underlying zoning districts are allowed as regulated by said districts.
- 3) The specific development requirements of a particular scenic corridor overlay district shall apply uniformly to all property within said district, as specified in the officially adopted corridor plan and this section.
- (D) NC Highway 68 Scenic Corridor Overlay District Established: The NC Highway 68 Scenic Corridor Overlay District is hereby established as a scenic corridor overlay district.
  - 1) Boundaries of the Scenic Corridor Overlay District: All land which is located within one thousand five hundred (1,500) feet on either side of the centerline of NC Highway 68 is included within the overlay zone, except that the overlay zone on the east side of NC Highway 68 beginning at its intersection with Market Street and continuing north along NC Highway 68 for one thousand (1,000) feet shall only include land located within the centerline of NC Highway 68 and the centerline of Burgess Road. Any area annexed into the City that is located within one thousand five hundred (1,500) feet on either side of the centerline of NC Highway 68 shall be included effective upon annexation.

# 2) Applicability:

- a) Application: The NC Highway 68 Scenic Corridor Overlay District regulations shall apply to all principal buildings on lots or open uses of land constructed, reconstructed, or established after the effective date of this Ordinance (October 2, 2001), except as exempted or otherwise provided in Subsections (D)(2)(b) and (D)(2)(c) below.
- b) Exemptions: The NC Highway 68 Scenic Corridor Overlay District regulations shall not apply to:
  - i) Single family detached dwellings or two-family dwellings on their own lots.
  - ii) A change in use, which does not result in an increase of two(2) or more in the Land Use

Classification number. The requirements of this section shall be applicable to the entire zone lot.

- iii) Those buildings and their accessory uses including parking or vehicular storage areas existing on the effective date of this Ordinance (October 2, 2001) whose gross square footage of building, parking area, or open use of land is not expanded in excess of three thousand (3,000) square feet of that which existed on the effective date of this Ordinance (October 2, 2001).
- iv) Those projects that have an approved Site Specific Development Plan in compliance with Section 30-3-18.2 (Zoning Vested Rights).
- c) Expansion of Existing Uses: For those buildings, parking areas, or open uses of land which are expanded in excess of three thousand (3,000) square feet of their gross square footage after the effective date of this Ordinance (October 2, 2001) the following requirements shall be met:
  - i) Required planting yards shall be provided. In locations where the entire width of the required planting yard cannot be provided due to existing development, planting yards shall be provided to the extent possible, with no reduction in the size or numbers of required plantings.
  - ii) The expanded portion only of any new parking lot or vehicular storage area shall meet the full landscaping and screening requirements for parking and vehicular surface areas.

- iii) Nonconforming signage shall comply with Section 30-5-5.11.
- 3) Landscaping and Screening Requirements: Landscaping and screening shall be in accordance with the following requirements. In case of conflict with the landscape and tree preservation requirements of Section 30-5-4, the stricter standard shall apply.
  - a) Planting yards for lots that do not have frontage on NC Highway 68 shall be as required by Section 30-5-4.
  - b) Street planting yards along NC Highway 68:
    - i) Shall be used in a limited fashion for signage, walkways, fountains and other amenities, as long as no more than fifteen percent (15%) of the yard is covered with impervious surfaces:
    - ii) Shall be a minimum of twenty (20) feet in width, and have an average width of thirty (30) feet;
    - iii) Shall have the following planting rates:
      - aa) Four (4) canopy trees for every one hundred (100) linear feet:
      - bb) Four (4) understory trees for every one hundred (100) linear feet;
      - cc) Thirty-four (34) shrubs for every one hundred (100) linear feet; and
    - iv) There shall be at least one (1) canopy tree for every fifty (50) linear feet.

v) Where unreasonable or impractical situations would result from application of landscaping or tree preservation requirements, alternate methods of compliance may be used as described in Section 30-5-4.9.

## c) Parking and Loading Areas:

- i) If a lot adjacent to NC Highway 68 has a parking lot located between the right-of-way and the principal building line, the parking lot shall be screened at a height of four and one-half (4.5) feet and may be augmented with earthen berms or mounds, existing vegetation, solid fencing, masonry walls or any combination thereof to take advantage of site topography for maximum screening. Tree preservation considerations shall not eliminate the requirement for landscape plantings to screen such a parking lot. The intent of this requirement is to screen parking areas solely and should not be applied so as to eliminate building visibility.
- ii) Loading areas, docks, and doors shall be restricted to the area between the rear property line and the principal building(s), as viewed from NC Highway 68. Loading areas, docks, and doors may be located on the side of a principal building if fully screened as much as reasonably possible from ground level view from NC Highway 68.
- d) Accessory outside storage areas, trash rooms, garbage containers, or trash holding receptacles shall be fully screened as much as

reasonably possible from ground level view from NC Highway 68.

- e) Parking lot and perimeter lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. Lighting levels measured at the edge of the property shall not exceed three (3) footcandles.
- 4) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.
  - a) Prohibited signs: In addition to signage prohibited by Section 30-5-5.2 of the Ordinance, the following signs shall be prohibited in the NC Highway 68 Overlay District:
    - i) Changeable copy signs (message boards), except for fuel pricing and church identification signs as allowed by Subsections (D)(4)(c) and (D)(4)(d) below;
    - ii) Electronic changeable copy signs, except for time and temperature signs which do not exceed fifteen square feet of copy area;
    - iii) Outdoor advertising signs;
    - iv) Ground surface signs; and
    - v) Neon signs, but not including those attached to a window.
  - b) Freestanding Signs: Accessory freestanding signs shall be in accordance with the following specifications:
    - i) Signs shall display only the name, trademark, and registered logo;

- ii) Fuel pricing signs shall display only the name, trademark, registered logo or vehicular fuel product and prices;
- iii) Church identification signs shall display only the church name, service hours, and church related events;
- iv) Signage shall be limited to monument type signs, except for developments with two (2) or more businesses and more than twenty-five thousand (25,000) square feet of gross floor area.
- v) Limited to one (1) sign per frontage;
- vi) Maximum height:

aa) Six (6) feet for lots with less than two hundred (200) feet of frontage; and

bb) Fifteen (15) feet for lots exceeding two hundred (200) feet of frontage.

#### vii) Maximum Area:

aa) Fifty (50)square feet for single businesses;

bb) Ninety (90) square feet for developments with two (2) or more businesses and twenty-five thousand (25,000) square feet or less gross floor area; and

cc) One hundred thirty-five (135) square feet for developments with two (2) or more businesses and more than twenty-five thousand (25,000) square feet of gross floor area.

viii) For lots adjoining the Interstate 40 right-of-way, or lots located on a service road that physically adjoins the Interstate 40 right-of-way, freestanding signs shall conform to the underlying zoning district size and height requirements of Table 30-5-5-2.

- c) Accessory Attached Signs: Accessory attached signs shall be in accordance with the following specifications:
  - i) Limited to one (1) sign per wall;
  - ii) Maximum area of seven and one-half percent (7.5%) of the wall area not to exceed one hundred (100) square feet; and
  - iii) The height of the sign shall not exceed the top of the wall.
- d) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaqued.
- 5) Convenience Stores with Fuel Pumps and Gasoline Service Stations:

- a) Buildings: Convenience store and gasoline service station buildings shall comply with the following standards:
  - i) Buildings shall have hip or gable roofs with natural earth tones, white, black, or shades of gray. Flat roofs are prohibited;
  - ii) Buildings shall be constructed with natural earth tone brick or with masonry which is painted with natural earth tones, white, black, or shades of gray; and
  - iii) Building soffit lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground surface, a distance of twenty (20) feet from the edge of the soffit, shall not exceed twenty (20) footcandles.

# b) Canopies:

- i) All freestanding canopies shall meet the requirements of Subsection (D)(6)(b) below;
- ii) The maximum area of signage affixed to each side of a canopy shall not exceed twenty (20) square feet or twenty-five percent (25%) of the canopy fascia, whichever is less:
- iii) Canopy lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground surface, beneath the edge of the perimeter of the canopy, shall not exceed twenty (20) footcandles; and

- iv) Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.
- c) Landscape boulders or other decorative devices shall be used near driveway entrances in lieu of steel bollards. However, bollards may be used to protect fuel pump islands.
- d) If fuel pumps are not located to the rear of the principal building, as viewed from NC Highway 68, the street planting yard shall contain two (2) additional understory trees for every one hundred (100) linear feet. Trees and shrubs located in the street planting yard shall be equally spaced throughout the yard to achieve an effective screen.

## 6) Architecture:

- a) Corrugated metal siding is prohibited if visible from NC Highway 68 unless the siding meets the following specifications:
  - i) Corrugations on the exterior face do not exceed fivesixteenths inch (5/16") in depth; and
  - ii) Fasteners used to attach siding to structural members are concealed from view from the exterior.
- b) No awnings or canopy fascias shall be internally lit.
- c) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.
- d) Building color schemes shall blend in with surroundings. Multiple colors and garish or unusual patterns or geometric shapes shall be avoided.

- e) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with Subsection (D)(6)(c) above shall be achieved and approved by the TRC prior to installation.
- f) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances from view from NC Highway 68.
- **(E)** Scenic Corridor Overlay District-1 (SCOD-1) Established: The Scenic Corridor Overlay District-1 (SCOD-1) is hereby established as a scenic corridor overlay district. In case of conflict with the regulations of the underlying zoning district, the more restrictive requirement shall govern.
  - 1) Applicability: All land located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway is included within the overlay zone. Any area annexed into the City that is located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway shall be included effective upon annexation. The following controlled access highways or portions thereof have been established as a SCOD-1:
    - a) Greensboro Urban Loop:
      - i) From one thousand (1000) feet east of the centerline of North Elm Street and the Urban Loop eastward to one thousand five hundred (1500) feet east of the centerline of U.S. 220 and the Urban Loop (except at interchanges as described in SCOD-2); and
      - ii) From one thousand five hundred (1500) feet north of the centerline of Bryan Boulevard and the Urban Loop eastward to one thousand (1000) feet west of the centerline of Battleground Avenue and the Urban Loop.

- 2) Permitted Uses: Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed except those listed below, which are prohibited if visible from the highway:
  - a) Flea markets, outdoor;
  - b) Land clearing and inert debris landfills, major;
  - c) Outdoor retail sales;
  - d) Outdoor storage;
  - e) Salvage yards, auto parts; and
  - f) Salvage yards, scrap processing.
- 3) Buffer Requirements:
  - a) A natural undisturbed buffer, a minimum forty (40) feet wide and a maximum seventyfive (75) feet wide, with an average width of fifty (50) feet, shall be maintained along the portion of any lot adjacent to the highway rightof-way. If there are no existing canopy or understory trees in the buffer area, then the following planting rates shall apply. If existing canopy or understory trees in the buffer area do not satisfactorily provide screening that would be similar to that achieved by the planting rates, then supplemental canopy or understory trees shall be required, as determined by the City Urban Forester or Enforcement Officer. The following planting rates per one hundred (100) linear feet shall be used:
    - i) Nine (9) canopy trees; and
    - ii) Twelve (12) understory trees.
  - b) A secondary natural undisturbed buffer meeting the following standards shall be maintained for a distance of two hundred (200) feet along any street right-of-way intersecting the highway right-of-way (See Appendix 5: Illustrations):
    - i) The two hundred (200) foot distance requirement shall be measured from the intersection of

the rights-of-way, however, the secondary buffer width and planting rate shall begin at the termination of the buffer along the highway.

ii) The width of the secondary buffer shall proportionately decrease from fifty (50) feet at its inception to eight (8) feet at its termination, with the following planting rates:

> aa) One (1) canopy tree per five hundred fifty-five (555) square feet of buffer area; and

> bb) One (1) understory tree per four hundred twenty (420) square feet of buffer area.

- iii) The required street planting yard meeting the width and planting rates of Table 30-5-4-2 shall be provided along the street right-of-way intersecting the highway. The width and plantings of the street yard count toward achieving the overlay buffer requirements.
- c) If a minimum five (5) foot high earthen berm is installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by ten (10) feet. The earthen berm shall contain a rounded crown suitable for planting and a stabilized side slope of no greater than three-to-one (3:1). The following planting rates per one hundred (100) linear feet shall be used:
  - i) Seven (7) canopy trees; and
  - ii) Ten (10) understory trees.

- d) Trees shall be planted a minimum of ten (10) feet, but no more than fifty (50) feet, from other trees.
- e) Trees located within the required buffer area may be used to meet tree preservation requirements of Section 30-5-4.
- f) No development, including improvements, buildings, structures, parking areas or open-air uses are allowed within the buffer. In approving a site plan or subdivision plat, however, streets or easements may be permitted to cross the buffer when necessary for access or provision for utilities.
- g) To allow an existing or new development to preserve the required natural undisturbed buffer area, the number of required off-street parking spaces shall be reduced by the City Urban Forester or Enforcement Officer by up to ten (10) percent if requested by the applicant.
- h) No development shall be required to have the buffer area exceed twenty (20) percent of the total site. If it is necessary to reduce the buffer area, the secondary buffer area along any street right-of-way intersecting the highway shall be reduced first.
- i) Where unreasonable or impractical situations result from application of buffer or planting requirements, alternate methods of compliance may be used as described in Section 30-5-4.9.
- 4) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.
  - a) In addition to signage prohibited by Section 30-5-5.2, the following signs shall be prohibited:
    - i) Outdoor advertising signs;
    - ii) Ground surface signs; and

- iii) Neon signs, but not including those attached to a window.
- b) Freestanding signage shall be limited to one(1) monument type sign per frontage as specified below:

Development Size	Maximum Height	Maximum Size
< 25,000 sq. ft.	6 ft.	50 sq. ft.
25,000 - 49,999 sq. ft.	10 ft.	90 sq. ft.
50,000 - 100,000 sq. ft.	15 ft.	140 sq. ft.
>100,000 sq. ft.	20 ft.	200 sq. ft.

- c) In SC zoning or in Integrated Multiple Use Developments, freestanding signage for each outparcel shall be limited to one monument sign meeting the size and height requirements of Table 30-5-5-2.
- d) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaqued.
- e) Freestanding signage is not permitted in protective buffer area(s) except at access points.
- 5) Access Management:
  - a) Major or minor thoroughfares that intersect the highway shall have a minimum of five hundred (500) feet of corner clearance when determined to be practical by NCDOT or GDOT; and
  - b) Local, collector or sub-collector streets that intersect the highway shall have a minimum of two hundred (200) feet of corner clearance when determined to be practical by NCDOT or GDOT.
- 6) Expansions: Once the impervious surface area of the property is increased by twenty-five (25) percent of the area existing at the time of the overlay adoption, street protective

yards shall be required containing fifty (50) percent of the required width and fifty (50) percent of all required plantings.

## 7) Additional Requirements:

- a) Structures shall not exceed eighty (80) feet in height within five hundred (500) feet of the highway right-of-way, as measured from the base of the building at the finished grade or from the adjacent highway grade, whichever is higher, to the top of the highest component of the building.
- b) Loading areas, docks, and doors shall be screened as much as reasonably possible from ground level view from the highway.
- c) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided. This Subsection shall not apply to residentially zoned property.
  - i) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with Subsection (E)(7)(c) above shall be achieved and approved by the TRC prior to installation.
- d) All outdoor lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. This Subsection shall not apply to residentially zoned property.
- e) All new on-site utilities shall be located underground unless required by the utility to be otherwise.
- **(F)** Scenic Corridor Overlay District-2 (SCOD-2) Established: The Scenic Corridor Overlay District-2 (SCOD-2) is hereby established as a scenic corridor overlay district. In case of conflict with the regulations of the underlying zoning district, the more restrictive requirement shall govern.

1) Applicability: All land located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway is included within the overlay zone. Any area annexed into the City that is located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway shall be included effective upon annexation. The following controlled access highways or portions thereof have been established as a SCOD-2:

#### a) Greensboro Urban Loop:

- i) From one thousand five hundred (1500) feet east of the centerline of U.S. 220 and the Urban Loop westward to one thousand five hundred (1500) feet north of the centerline of Bryan Boulevard and the Urban Loop;
- ii) From one thousand (1000) feet west of the centerline of Battleground Avenue and the Urban Loop eastward to one thousand (1000) feet east of the centerline of North Elm Street and the Urban Loop;
- iii) From one thousand (1000) feet west of the centerline of Yanceyville Street and the Urban Loop to one thousand (1000) feet east of the centerline of Yanceyville Street and the Urban Loop;
- iv) From one thousand five hundred (1500) feet northwest of the centerline of U.S. 29 and the Urban Loop to one thousand five hundred (1500) feet southeast of the centerline of U.S. 29 and the Urban Loop;
- v) From one thousand (1000) feet north of the centerline of Huffine Mill Road and the Urban Loop to

one thousand (1000) feet south of the centerline of Huffine Mill Road and the Urban Loop;

- vi) From one thousand (1000) feet north of the centerline of Wendover Avenue and the Urban Loop to one thousand (1000) feet south of the centerline of Wendover Avenue and the Urban Loop;
- vii) From one thousand five hundred (1500) feet north of the centerline of I-85/40 and the Urban Loop to one thousand five hundred (1500) feet south of the centerline of I-85/40 and the Urban Loop;
- (viii) From one thousand (1000) feet east of the centerline of Youngs Mill Road and the Urban Loop to one thousand (1000) feet west of the centerline of Youngs Mill Road and the Urban Loop;
- ix) From one thousand (1000) feet northeast of the centerline of Alamance Church Road and the Urban Loop to one thousand (1000) feet southwest of the centerline of Alamance Church Road and the Urban Loop;
- x) From one thousand five hundred (1500) feet east of the centerline of U.S. 421 and the Urban Loop to one thousand five hundred (1500) feet west of the centerline of U.S. 421 and the Urban Loop;
- xi) From one thousand (1000) feet east of the centerline of South Elm-Eugene Street and the Urban Loop to one thousand (1000) feet west of the centerline

# of South Elm-Eugene Street and the Urban Loop;

- 2) Permitted Uses: Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed except those listed below, which are prohibited if visible from the highway:
  - a) Flea markets, outdoor;
  - b) Land clearing and inert debris landfills, major;
  - c) Outdoor retail sales;
  - d) Outdoor storage;
  - e) Salvage yards, auto parts; and
  - f) Salvage yards, scrap processing.
- 3) Buffer Requirements: The following buffer requirements shall be maintained along the portion of any lot adjacent to the highway right-of-way, unless the standards described in Subsection (F)(4) below are achieved and approved by the TRC.
  - a) A natural undisturbed buffer, a minimum twenty-five (25) feet wide and a maximum fifty (50) feet wide, with an average width of thirty (30) feet, shall be maintained along the portion of any lot adjacent to the highway right-of-way. If there are no existing canopy or understory trees in the buffer area, then the following planting rates shall apply. If existing canopy or understory trees in the buffer area do not satisfactorily provide screening that would be similar to that achieved by the planting rates, then supplemental canopy or understory trees shall be required, as determined by the City Urban Forester or Enforcement Officer. The following planting rates per one hundred (100) linear feet shall be used:
    - i) Five (5) canopy trees; and
    - ii) Eight (8) understory trees.
  - b) A secondary natural undisturbed buffer meeting the following standards shall be maintained for a distance of two hundred (200) feet along any street right-of-way intersecting

the highway right-of-way (See Appendix 5: Illustrations):

- i) The two hundred (200) foot distance requirement shall be measured from the intersection of the rights-of-way, however, the secondary buffer width and planting rate shall begin at the termination of the buffer along the highway.
- ii) The width of the secondary buffer shall proportionately decrease from thirty (30) feet at its inception to eight (8) feet at its termination, with the following planting rates:

aa) One (1) canopy tree per six hundred (600) square feet of buffer area; and

bb) One (1) understory tree per three hundred seventy-five (375) square feet of buffer area.

- iii) The required street planting yard meeting the width and planting rates of Table 30-5-4-2 shall be provided along the street right-of-way intersecting the highway. The width and plantings of the street yard count toward achieving the overlay buffer requirements.
- c) If a minimum five (5) foot high earthen berm is installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by five (5) feet. The earthen berm shall contain a rounded crown suitable for planting and a stabilized side slope of no greater than three-

to-one (3:1). The following planting rates per one hundred (100) linear feet shall be used:

- (i) Four (4) canopy trees; and
- ii) Seven (7) understory trees.
- d) Trees shall be planted a minimum of ten (10) feet, but no more than fifty (50) feet, from other trees.
- e) Trees located within the required buffer area may be used to meet tree preservation requirements of Section 30-5-4.
- f) No development, including improvements, buildings, structures, parking areas or open-air uses are allowed within the buffer. In approving a site plan or subdivision plat, however, streets or easements may be permitted to cross the buffer when necessary for access or provision for utilities.
- g) To allow an existing or new development to preserve the required natural undisturbed buffer area, the number of required off-street parking spaces shall be reduced by the City Urban Forester or Enforcement Officer by up to ten (10) percent if requested by the applicant. h) No development shall be required to have the buffer area exceed twenty (20) percent of the total site. If it is necessary to reduce the buffer area, the secondary buffer area along any street right-of-way intersecting the highway shall be reduced first.
- i) Where unreasonable or impractical situations result from application of buffer or planting requirements, alternate methods of compliance may be used as described in Section 30-5-4.9.
- 4) Alternate Requirements: The following requirements are an alternative to the buffer requirements described in Subsection (F)(3) above, and must be approved by the TRC prior to installation.
  - a) A street planting yard, a minimum twenty (20) feet wide and a maximum fifty (50) feet wide, with an average width of thirty (30) feet,

shall be maintained along the portion of any lot adjacent to the highway right-of-way. The following planting rates per one hundred (100) linear feet shall be used:

- i) Four (4) canopy trees;
- ii) Four (4) understory trees; and
- iii) Thirty-three (33) shrubs.
- b) Trees shall be planted a minimum of ten (10) feet, but no more than seventy-five (75) feet, from other trees. Shrubs shall be planted three (3) feet on center.
- c) Parking lot planting areas containing trees shall be installed and maintained. Each parking lot planting area shall have a minimum inside dimension of seven (7) feet and shall have a minimum area of at least two hundred (200) square feet. Each parking space must be entirely within the designated distance of a parking lot planter as specified below:

Size of Parking Lot Planter	Number of Trees in Planter	Distance
200 - 499 sq. ft.	1	80 ft.
500 - 899 sq. ft.	3	110 ft.
900 + sq. ft.	5	130 ft.

i) Based on the total number of parking spaces provided, the following parking lot planting rates shall be used:

Percentage of parking spaces exceeding the minimum requirement	Canopy tree rate	
0 - 3.9 percent	1/10 parking spaces	
4.0 - 6.9 percent	1/9 parking spaces	
7.0 - 9.9 percent	1/8 parking spaces	
10 percent or greater	1/10 required parking spaces and 1/1 parking space in excess of minimum requirement.	

## d) Architecture:

 i) Buildings shall be finished with one or more of the following materials:

- aa) Brick and brick veneer;
- bb) Stone, stone veneer, and cultured stone;
- cc) Precast or fieldpoured tilt concrete panels with texture and architectural detailing;
- dd) Stucco with architectural detailing; and
- ee) Wood and wood materials designed and intended for use as exterior finish material.
- ff) Vinyl siding with architectural detailing and a specified architectural style may be used solely for residential buildings.
- ii) No portion of any building visible from the highway shall have an expanse wider than fifty (50) feet or higher than twenty (20) feet without detail or articulation. Large, flat blank expanses are not acceptable.
- iii) The architectural style and color of new buildings shall be similar to and compatible with surroundings.
- iv) No awnings or canopy fascias shall be internally lit.

- v) Appropriate screening shall be provided to obscure as much as reasonably possible all roofmounted equipment, roof vents, or other unsightly building appurtenances.
- e) Convenience Stores with Fuel Pumps and Gasoline Service Stations:
  - i) Buildings shall be constructed with brick or masonry conforming to the color requirements of Subsection (F)(8)(b).
  - ii) Buildings shall have hip or gable roofs. Flat roofs are prohibited.
  - iii) Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.
  - iv) The maximum area of signage affixed to each side of a canopy shall not exceed twenty (20) square feet or twenty-five (25) percent of the canopy fascia, whichever is less.
  - v) Fuel pricing signs shall display only the name, trademark, registered logo or vehicular fuel product and prices.
  - vi) If fuel pumps are not located to the rear of the principal building, as viewed from the highway, the street planting yard shall contain two (2) additional understory trees for every one hundred (100) linear feet. Trees and shrubs located in the street planting yard shall be equally spaced throughout the yard to achieve an effective screen.

- f) Parking lot and perimeter lighting levels measured at the edge of the property shall not exceed two (2) footcandles.
- 5) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.
  - a) In addition to signage prohibited by Section 30-5-5.2, the following signs shall be prohibited:
    - i) Outdoor advertising signs;
    - ii) Ground surface signs; and
    - iii) Neon signs, but not including those attached to a window.
  - b) Freestanding signage shall be limited to one(1) monument type sign per frontage as
  - monument type sign per frontage as specified below:

Development Size	Maximum Height	Maximum Size
< 25,000 sq. ft.	6 ft.	50 sq. ft.
25,000 – 49,999 sq. ft.	10 ft.	90 sq. ft.
50,000 – 99,999 sq. ft.	15 ft.	140 sq. ft.
100,000 – 200,000 sq. ft.	20 ft.	200 sq. ft.
> 200,000	30 ft.	200 sq. ft.

- c) In SC zoning or in Integrated Multiple Use Developments, freestanding signage for each outparcel shall be limited to one monument sign meeting the size and height requirements of Table 30-5-5-2.
- d) Freestanding signage visible from the highway shall be in accordance with the following requirements:
  - i) A decorative base and surrounding frame shall be constructed with a material that is the same as or similar to the majority of the material used for the principal building(s).

ii) A defined landscaped area shall be required at the base of the sign, parallel to the face(s) of the sign. The required landscaped area shall be at least fifty (50) square feet in area. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.

aa) The required landscaped area shall contain materials such as. but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least fifty (50) percent of the defined landscaped area at maturity. A plan of the landscaped area indicating the species, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

- e) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaque.
- 6) Access Management:
  - a) Major or minor thoroughfares that intersect the highway shall have a minimum of five hundred (500) feet of corner clearance when

determined to be practical by NCDOT or GDOT; and

- b) Local, collector or sub-collector streets that intersect the highway shall have a minimum of two hundred (200) feet of corner clearance when determined to be practical by NCDOT or GDOT.
- 7) Expansions: Once the impervious surface area of the property is increased by twenty-five (25) percent of the area existing at the time of the overlay adoption, street protective yards shall be required containing fifty (50) percent of the required width and fifty (50) percent of all required plantings.

## 8) Additional Requirements:

- a) Loading areas, docks, and doors shall be screened as much as reasonably possible from ground level view from the highway.
- b) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided. This Subsection shall not apply to residentially zoned property.
  - i) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with Subsection (F)(8)(b) above shall be achieved and approved by the TRC prior to installation.
- c) All outdoor lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. This Subsection shall not apply to residentially zoned property.
- d) All new on-site utilities shall be located underground unless required by the utility to be otherwise.

#### **30-4-4.4 Airport Overlay District**

- A) 60 DNL Noise Contour Area:
  - 1) The area within the 60 DNL Noise Contour Area around Piedmont Triad International Airport, as delineated on the Generalized Future Land Use Map in the Greensboro Connections 2025 Comprehensive Plan and on the Airport Area Plan, adopted by Guilford County on September 12, 2002 and endorsed by the City of Greensboro on June 18, 2002, shall be the Airport Overlay District.
  - 2) Within the Airport Overlay District, no residential uses shall be permitted except single family detached dwellings on lots which are forty thousand (40,000) square feet or larger in area.
- (B) Height Limits: No structure shall be erected which exceeds the height limits delineated on the Approach and Clear Zone Plan in the PTI Airport Master Plan.
- (C) Incorporation of Airport Plans: This Section incorporates by reference the Approach and Clear Zone Plan in the PTI Airport Master Plan.

#### **30-4-4.5 Manufactured Housing Overlay Districts**

- (A) Authority: Manufactured Housing Districts may be established as authorized by NCGS Article 19, Section 160A.383.1(e) and this Ordinance.
- (B) Minimum Criteria: Class AA manufactured dwellings may be permitted on single family lots in any residential district provided overlay district zoning is approved by the City Council and each manufactured dwelling:
  - 1) Is occupied only as a single family dwelling;
  - 2) Has a minimum width of sixteen (16) feet;
  - 3) Has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
  - 4) Has a minimum of one thousand (1,000) square feet of enclosed and heated space;
  - 5) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
  - 6) Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless

other orientation is permitted as a special exception by the Board of Adjustment following a public hearing;

- 7) Is set up in accordance with the standards established by the NC Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the NC Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter;
- 8) Has exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
  - a) Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
  - b) Cedar or other wood siding;
  - c) Wood grain, weather-resistant press board siding;
  - d) Stucco siding; or
  - e) Brick or stone siding;
- 9) Has a roof pitch minimum vertical rise of three and one-half (3 1/2) feet for each twelve (12) feet of horizontal run;
- 10) Has a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
- 11) Has an eave projection for all roof structures of no less than six (6) inches, which may include a gutter; and
- 12) Has stairs, porches, entrance platforms, ramps, and other means of entrance and exit installed or constructed in accordance with the standards set forth in the NC Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet.
- (C) Minimum Development Size:

- 1) Ten (10) existing contiguous lots covering at least ninety thousand (90,000) square feet, excluding public street right-of-way; or
- 2) One hundred twenty thousand (120,000) square feet of land, excluding public street right-of-way.
- (D) Additional Information: In requesting the establishment of an overlay district, an applicant shall present factual information to ensure, in the opinion of the City Council, that property values of surrounding properties are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the purposes of the overlay district as set forth in Section 30-1-3.7 (Manufactured Housing Overlay Purposes) are met. To assure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that have been constructed on adjacent or nearby lots, an applicant may, for illustrative purposes, present examples of the types and design of such proposed dwellings.

# **30-4-4.6 Watershed Critical Area Overlay Districts and General Watershed Area Overlay Districts**

The regulations for these overlay districts are found in Sections 30-7-1 (Water Supply Watershed Districts), 30-7-2 (General Watershed Areas), and 30-7-3 (Watershed Critical Areas).

# **30-4-4.7 Pedestrian Scale Overlay Districts**

- (A) Overlay District Based on Area Plan: Before a Pedestrian Scale Overlay District is established for any particular area, a Plan shall be adopted by the City Council describing the conditions, boundaries, and requirements for the proposed Pedestrian Scale District. The plan shall, at a minimum, address the following issues:
  - 1) The physical qualities of the area that make it a unique location for pedestrian-oriented businesses and residences and the conditions which require special consideration (e.g. setbacks, building height, lot coverage, street width, parking, etc);
  - 2) Standards of the underlying zoning district that require alteration in order to maintain the pedestrian scale character of the area (e.g. off-street parking requirements, landscaping requirements, signage regulations); and
  - 3) Affected transportation systems that provide access to the area (e.g. vehicular access, public transit.)
- (B) Ordinance Adopting District: The ordinance adopting a Pedestrian Scale Overlay District shall define the boundaries of the District, establish standards by which development within the Overlay District cam support

pedestrian scale business activities, including the potential modification of underlying district standards for building location, building bulk, on or off-street parking requirements, landscape requirements, sign standards, lighting standards, and other site improvement standards.

- (C) East Market Street Pedestrian Scale Overlay District Established: The East Market Street Pedestrian Scale Overlay District is hereby established as a Pedestrian Scale Overlay District.
  - 1) Purposes of the Overlay District: The East Market Street Pedestrian Scale Overlay District regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:
    - a) Revitalize a commercial corridor so as to serve the needs of the community, including the adjacent university and college communities;
    - b) Modify the image of the corridor, moving away from the existing vehicular-oriented thoroughfare to an image which is attractive to pedestrian access and use;
    - c) Encourage a desirable and mutually supportive mix of uses in close proximity to each other;
    - d) Provide commercial and employment opportunities which are easily accessible to neighborhood residents;
    - e) Create a corridor with a distinct sense of place and character;
    - f) Encourage high quality building and site design;
    - g) Encourage uses of a specific character, type; and market;
    - h) Encourage a corridor character that is both attractive and compatible between public and private spaces; and
    - i) Implement the East Market Street Corridor Development Plan.
  - 2) Use Limitations:

- a) First Floor Uses: Uses on the first floor shall be limited to those Retail Trade uses; Business, Professional, & Personal Services uses; Educational & Institutional uses; and Manufacturing and Industrial uses permitted by right, with development standards, or with Special Use Permits in the underlying zoning district.
- b) Upper Floor Uses: Uses on all floors above the first floor shall be limited to those uses permitted by right, with development standards, or with Special Use Permits on the first floor, or any residential use listed under the Residential Uses subsection of Table 30-4-5-1.

#### 3) Building Setback and Set-to Lines:

- a) Street Setbacks: Minimum building setback from the public right-of-way shall be not less than one (1) foot. Where existing buildings along a block face between two intersecting streets establish a uniform building setback line, new buildings shall conform to that established setback.
- b) Rear Setbacks: Minimum building setback from the rear property line shall be not less than forty-five (45) feet.
- c) Other Interior Setbacks: Minimum building setback from other interior property lines shall be zero (0) feet. Where buildings are set back from interior property lines, not less than ten (10) feet shall separate buildings on adjacent lots. Where buildings are set back less than five (5) feet from interior property lines, permanent easements over five (5) feet of the adjacent property must be obtained and recorded in the Office of the County Register of Deeds so as to permit maintenance.

## 4) Building Height:

- a) The maximum building height shall not exceed fifty-five (55) feet.
- b) Where existing structures within the block face between two intersecting streets establish

a uniform building height of less than fifty-five (55) feet, the maximum building height shall not exceed that uniform building height by more than fifty percent (50%) of that uniform building height, nor fifty-five (55) feet.

## 5) Building Materials:

- a) Neither concrete block (with the exception of architectural split face block) nor corrugated metal shall be used as a primary material for the exterior walls or surfaces of a building.
- b) Primary materials for walls and facades visible from the right-of-way shall be limited to brick, masonry units, glass, and metal accents.
- 6) Signs: Except as provided below, signs shall meet the requirements of Section 30-5-5.
  - a) Freestanding Signs: Freestanding signage requiring a permit shall be limited to monument signs. No sign exceeding 150 square feet shall be permitted within the Pedestrian Scale Overlay District.
  - b) Projecting Signs: No more than one (1) right-angle sign is allowed for each business entrance. The bottom of a projecting sign shall be at least eight (8) feet above any sidewalk, parking area, or other paved area. The area of a projecting sign will be calculated in the overall attached signage and shall not exceed twenty-four (24) square feet maximum area on each side.
  - c) Wall Signs: Horizontal wall signs are encouraged. No wall sign shall project more than six (6) inches into the public right-of-way.

## 7) Building Lighting:

- a) Property owners and managers are encouraged to safely illuminate building entry/exit locations; however, such areas shall only be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from off the property.
- b) Building walls may be illuminated.

c) No building illumination shall cause the site to exceed maximum site lighting limitations.

#### 8) Parking:

- a) Minimum Parking Requirements: In those portions of the Overlay District with underlying zoning of GB, GO-H and HB, a minimum of one (1) space for each 300 square feet of retail or office gross floor area shall be provided on site, except as modified below.
- b) Parking Credits and Exceptions:
  - i) In all areas, on-street parking spaces on the right-of-way between the two side lot lines of the site may be counted to satisfy the minimum off-street parking requirements.
  - ii) Where parking is available offsite within 400 feet of the front entry to the building, and that parking is owned or controlled under a permanent and recorded parking encumbrance agreement for use by the occupants or employees on the site, said parking may be counted to satisfy the off-street parking requirements.
  - iii) In those portions of the Overlay District with underlying zoning of GB, GO-H and HB and which are occupied as a retail use, all parking all parking located behind the front setback of the building shall be double-counted so that each such parking space behind the front setback shall be counted as if it were two (2) spaces available to satisfy the off-street parking requirements for such retail use.
  - iv) Where it can be demonstrated through a documented parking

study that the demand for parking of the combined uses of two (2) or more buildings can be satisfied with the shared and jointly accessible off-street parking available to those buildings, then a special exception to these parking requirements may be granted by the Board of Adjustment to satisfy the minimum parking requirements.

c) Location: All parking serving the site and counted toward minimum parking requirements shall be located on the site, on the street as allowed in (b)(1) above, and/or within 400 feet of the site.

## 9) Parking Structures:

- a) No parking structure may be designed or installed so as to present to the street or public right-of-way an elevation or façade with openings, fenestrations, and structural elements which are of a slanted or diagonal nature reflecting the incline of ramps.
- b) Any parking structure exceeding twenty-five (25) feet in height shall be set back from the right-of-way a minimum of one (1) horizontal foot for each two (2) vertical feet of height.

## 10) Site Landscaping and Lighting:

- a) The standards for site landscaping and site lighting established for the underlying zoning and use shall govern the development and redevelopment of property within the Overlay District.
- b) Exceptions from underlying site landscaping and lighting standards may be approved as part of site plan review by the Technical Review Committee where it is shown that said landscaping and lighting meets the guidelines identified in the East Market Street Pedestrian Scale Overlay Plan.

### 11) Screening:

- a) Utility connections and equipment shall be enclosed or screened from view from public areas of the site, including from parking lots.
- b) Trash containers, compactors, dumpsters, and storage areas shall be placed on a concrete pad and surrounded by a fence or wall enclosure (of not less than the height of trash or storage to be screened) of durable materials compatible in design with the building and building materials.
- c) Loading docks shall be screened from view from the street right-of-way.
- 12) Spacing and Number of Vehicular Access Points:
  - a) Separation between access points on all state highways shall be in accordance with North Carolina Department of Transportation Access Classification System & Standards.
  - b) No more than one (1) vehicular access to East Market Street shall be permitted on any site unless one (1) such access is shared between the subject site and an adjacent site.
  - c) Upon review of traffic, circulation, and pedestrian safety issues, the Greensboro Department of Transportation (GDOT) may approve additional driveway access points for a given site.
- 13) Cross Access: Each site shall provide cross a cross access point and cross access easement to allow circulation between sites. Property owners shall:
  - a) Record an easement in the Office of the County Register of Deeds allowing cross access to and from the adjacent properties;
  - b) Agree that any pre-existing driveways, in excess of those permitted herein, shall be closed and eliminated after construction of the joint use driveway; and
  - c) Record a joint maintenance agreement in the Office of the County Register of Deeds defining maintenance responsibilities of property owners that share the joint use driveway and cross access system.

### 14) Pedestrian Sidewalks:

- a) Whenever a building is set back from the sidewalk or street right-of-way, an uninterrupted, hard surface sidewalk of not less than five (5) feet in width shall be installed and maintained to connect the public sidewalk with the principal entry to the building.
- b) Sidewalks shall be provided along the length of any façade abutting parking areas. Such sidewalks shall be located at least four (4) feet from the façade of the building to provide planting beds for foundation landscaping.
- c) Pedestrian circulation shall be provided between abutting properties through the use of walkways or unidentifiable pathways.
- d) Curb cuts and ramps shall be provided where necessary to meet the Americans with Disabilities Act.

#### **30-4-5 DISTRICT USE REQUIREMENTS**

#### 30-4-5.1 Permitted Uses

- (A) Permitted Use Schedule:
  - 1) Within each zoning district indicated on the Official Zoning Map, land, buildings, and structures shall only be used for uses listed in Table 30-4-5-1 (Permitted Use Schedule) for the particular zoning district.
  - 2) The meanings of the entries in the Permitted Use Schedule are as follows:
    - a) "P" indicates the use is permitted by right;
    - b) "D" indicates the use is permitted by right subject to additional development standards as set forth in Article V;
    - c) "S" indicates that the use requires approval of a Special Use Permit and is subject to any additional development standards set forth in Article V; and

- d) "Z" indicates the use requires approval of a Manufactured Housing Overlay District.
- 3) The column on the far right labeled "LUC" indicates the Land Use Classification of each use as it relates to planting yard requirements found in Article V (Zoning: Other Standards).
- 4) The 1987 Standard Industrial Classification Manual was utilized in the preparation of this table and shall be consulted as a guide for purposes of interpretation by the Enforcement Officer. The Reference SIC column refers to SIC classifications. Entries with "0000" in the Reference SIC column do not correspond to any classification in the SIC Manual.
- 5) If a use is not listed in the Permitted Use Schedule, the Enforcement Officer shall classify it with that use in the table most similar to it. While the SIC Manual shall serve as a guide in classifying any unlisted use, the Enforcement Officer shall rely primarily upon similarity of operational characteristics and similarity of impacts upon adjacent properties. If the Enforcement Officer should determine that a use is not listed and is not similar to a use in the Permitted Use Schedule, then such use is prohibited.
- 6) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Schedule.
- 7) If an industrial plant or facility involves two or more manufacturing activities with different SIC classifications on the same zone lot, the industrial plant shall be permitted only in those zoning districts where the most restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.)
- (B) Mixed Uses: Two or more permitted uses may occupy the same principal building.

<u>The Permitted Use Schedule can be found by navigating back to the Table of Contents.</u>

#### 30-4-5.2 Prohibited Uses

The following uses are prohibited throughout the City:

- (A) Explosives manufacturing; and
- (B) Leather and leather products manufacturing involving tanning.
- (C) Manufactured dwellings placed, parked, or stored on residentially zoned lots except as provided in:
  - 1) Section 30-4-4.5 (Manufactured Housing Overlay Districts):
  - 2) Section 30-5-2.54 (Manufactured Dwelling (Mobile Home) Parks and Recreational Vehicle Parks or Campsites);
  - 3) Table 30-4-5-1 (Permitted Use Schedule) as temporary construction offices, temporary construction equipment storage, or temporary real estate sales or rental offices; or
  - 4) Section 30-4-11.2 (Nonconforming Use of Land) when the manufactured dwelling is a legally existing principal building.

Manufactured dwellings which do not comply with the provisions of this subsection on the effective date of this Ordinance shall be removed within twelve (12) months of the effective date of the Ordinance.

### 30-4-5.3 Additional Requirements

- (A) Residential Districts: [RESERVED]
- (B) Nonresidential Districts:
  - 1) Neighborhood Business District (NB):
    - a) No more than three thousand (3,000) square feet of gross floor area per use shall be permitted on a lot.
    - b) Outside storage shall be prohibited.
    - c) Hours of operation shall be restricted to between 6:00 a.m. and midnight.
    - d) Drive-thru sales and services are not permitted.
    - e) Exterior lighting is limited to indirect illumination and safety lighting, and (for signs only) cut-out letter lighting. All exterior lighting shall be located, angled, shielded, and/or

limited in intensity so as to cast no direct light upon adjacent streets or properties. No exterior lighting shall be located higher than fifteen (15) feet above ground or pavement.

- f) All off-street parking shall be located to the rear of the building.
- g) Buildings shall be reflective of the architectural styles, exterior materials, and colors of nearby residences.
- h) A maximum of two (2) dwelling units are permitted above each business.
- 2) Limited Business (LB):
  - a) No more than fifty thousand (50,000) square feet of gross floor area per use shall be permitted on a lot.
  - b) No more than one hundred thousand (100,000) square feet of gross floor area shall be permitted per development.
  - c) Outside storage shall be prohibited.
- 3) General Business (GB): All permitted uses within the Wholesale Trade category, except Market Showrooms, shall meet the following standards:
  - a) A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment.
  - b) No outside storage of materials shall be permitted.
- 4) Highway Business (HB): All permitted uses within the Wholesale Trade category shall meet the following standards:
  - a) A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment.
  - b) No outside storage of materials shall be permitted.

- 5) Corporate Park District (CP):
  - a) Loading areas shall not be located on the side of a building facing a public street.
  - b) Accessory outside storage:
    - i) shall not cover an area exceeding twenty-five percent (25%) of the ground level gross floor area of the principal building(s);
    - ii) shall be restricted to the area between the rear property line and the building(s); and
    - iii) shall be fully screened from ground level view from adjacent properties or public streets.
  - c) Outside manufacturing, processing, or assembly shall not be permitted.
- 6) Light Industrial District (LI):
  - a) Loading areas facing a public street, residential land uses, or residentially zoned property shall be screened from view at a height of six (6) feet above ground level, as seen from the centerline of any adjacent public street or from the property line where no adiacent street exists. Existing or newly planted vegetation, opaque or solid fencing, masonry walls, earthen berms or mounds, other structures, or any combination thereof may be used to achieve an effective screen. Plantings used as screening material shall be of such variety and size as to obscure at least fifty percent (50%) of the desired view at the time of planting, as determined by the Enforcement Officer. Plantings, walls, mounds, or other devices shall be used also to block or diffuse spillover light from vehicles and to muffle or otherwise lessen ambient noise levels at the property line, where adjacent to residential uses. The design and content of required screening shall be included with

- required landscaping plans for review and approval by the Enforcement Officer.
- b) Loading areas facing a local industrial street/cul de-sac, as defined by this Ordinance, are exempt from the above screening requirements.
- c) Outside storage or assembly shall be fully screened from view from adjacent properties and public streets as seen at a height of six (6) feet above ground level from the centerline of any adjacent public street or from the property line where no adjacent street exists.
- d) Outside manufacturing or processing shall not be permitted.
- 7) Shopping Center District (SC): [RESERVED]
- (C) Traditional Neighborhood Districts:
  - (1) Traditional Neighborhood District (TN1):
    - a) No more than three thousand (3,000) square feet of gross floor area per commercial use shall be permitted on a lot unless a greater floor area is established as a development condition in Section 30-5-2, Development Standards for Individual Uses.
    - b) Outside storage shall be prohibited.
    - c) Hours of operation shall be restricted to between 6:00 a.m. and midnight.
    - d) Drive-thru sales and services are not permitted.
    - e) Exterior lighting is limited to indirect illumination and safety lighting, and (for signs only) cut out letter lighting. All exterior lighting shall be located, angled, shielded, and/or limited in intensity so as to cast no direct light upon adjacent properties. Except for street lighting, no exterior lighting shall be located higher than fifteen (15) feet above ground or pavement.

- f) Parking lots shall be located at the rear or at the side of buildings and shall be screened from the sidewalk by low walls, fences, or hedges.
- g) Parking lots and garage doors are discouraged from fronting on the street.
- h) Where possible, access to off-street parking areas shall be from the rear of the lot.
- i) Parking lots and parking garages shall not abut street intersections, be adjacent to squares or parks, or occupy lots that terminate a vista.
- j) Adjacent parking lots shall have vehicular connections via an alley or internally.
- k) Where adjacent on any side to a residential use, an off-street parking area shall be adequately screened and landscaped to buffer the residential use in accordance with standards set forth in the adopted Traditional Neighborhood Development Plan.
- I) Dwelling units may be provided on the upper levels of a building containing a first floor commercial or office use in accordance with the density set forth in Table 30-4-6-6.

#### **30-4-6 DIMENSIONAL REQUIREMENTS**

Within each zoning district as shown on the Official Zoning Map, all uses and developments shall comply with the dimensional requirements in this Section.

## 30-4-6.1 Agricultural and Single Family Districts

- (A) Dimensional Requirements for Agricultural and Single Family Districts: Dimensional requirements for Agricultural and Single Family Districts are found in Table 30-4-6-1.
- (B) Single Family Detached Cluster Development:
  - 1) Objective: The objective of cluster development is to place houses closer together on smaller lots than normally permitted in the zoning district and to place land which would otherwise have been included in private lots into public dedication or common area for open space.
  - 2) Cluster Option:

- a) Cluster development may be used in any district which permits single family uses if the tract is ten (10) acres or more and is served by municipal sanitary sewer.
- b) Cluster development may be used on tracts smaller than ten (10) acres if street right-of-way in a street or highway corridor is dedicated pursuant to NCGS 136-66.10 and the development will be served by municipal sanitary sewer.
- 3) Cluster Required: The Technical Review Committee (TRC) may require that cluster development be used if street right-of-way dedication is required pursuant to NCGS 136-66.10 or the development lies partially or wholly within a Watershed Critical Area.

## TABLE 30-4-6-1 AGRICULTURAL AND SINGLE FAMILY DISTRICTS DIMENSIONAL REQUIREMENTS

	AG	RS-40	RS-30	RS-20	RS-15	RS-12	RS-9	RS-7	RS-5
Min. Lot Size (sq.ft.)	40,000	40,000	30,000	20,000	15,000	12,000	9,000	7,000	5,000
Min. Lot Width (ft.) Interior Lot Corner Lot	150 150	150d 150d	100 100	90 100	80 90	75 85	60 75	50 70	50 70
Min. St. Frontage (ft.)e	50	50	50	45	45	45	30	30	30
Min. Street Setback (ft.) <sup>a</sup>	40/65	40/65	40/65	35/60	30/55	30/55	30/55	25/50	20/45
Min. Street Setback (ft.) <sup>a</sup> Local, Subcollector & Collector - Front	40/65	40/65	40/65	35/60	30/55	30/55	30/55	25/50	20/45
Local, Subcollector & Collector - Side	40/65	40/65	20/45	20/45	15/40	15/40	15/40	15/40	15/40
Minor Thoroughfare	45/80	45/80	45/80	40/75	40/75	40/75	40/75	35/70	35/70
Major Thoroughfare	50/95	50/95	50/90	50/95	50/95	50/95	50/95	45/90	45/90
Min. Interior Setback (ft.) Side <sup>b</sup> Rear	15 30	15 30	10 30	10 30	10 30	10 30	5 25	5 20	5 15
Maximum Height (ft.°)	50	50	50	50	50	50	50	50	50
Maximum Building Cover (percentage of lot)	30	30	30	30	30	30	35	40	45

- a. Setback from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Section 30-4-7.2.
- b. Zero side setback may be allowed in accordance with Section 30-4-6.1(C).
- c. No more than three (3) full or partial stories entirely above grade.
- d. One hundred (100) feet with municipal sanitary sewer service.
- e. Does not apply to lots on the circular portion of a cul-de-sac.

#### Notes:

- 1) In overlay districts, greater requirements may apply. See any relevant overlay district regulations.
- 2) A corner lot has two street setbacks. The property owner shall designate the front street and the side street for his corner lot. The rear setback shall be on the opposite side of the lot from the front street setback.
- 3) A through lot has two street setbacks but no rear setback.
- 4) On a corner lot of record with a width of at least forty (40) feet, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty percent (60%) of the lot width. However, the side street setback shall not be reduced to less than twenty (20) feet from a major thoroughfare or a minor thoroughfare right-of-way line.
- 5) For any lot of record with a depth of at least seventy-five (75) feet, the street setback and the rear setback may be reduced, if necessary,

- 4) Development Standards (See Appendix 5: Illustrations.):
  - a) All lot size and other dimensional requirements for single family dwellings are decreased to comply with all requirements of a smaller-lot RS zone (See Table 30-4-6-2).
  - b) The sum of those areas placed into common area for open space, those areas dedicated as public drainageway and open space in excess of that required for such purposes, and those areas dedicated as street right-of-way pursuant to NCGS 136-66.10 shall not be less than fifteen percent (15%) of the total area of the development. A strip of common area encompassing each private street shall not be counted as open space.
  - c) The maximum number of lots shall be determined as follows:
    - i) Calculate the gross acreage of the tract excluding any existing street right-of-way;
    - ii) Subtract three-fourths (3/4) of the area of any drainageway and open space required to be dedicated by this Ordinance; and
    - iii) Multiply by the density factor from Table 30-4-6-2.

TABLE 30-4-6-2
CLUSTER DEVELOPMENT LOT AND DENSITY REQUIREMENTS FOR SINGLE FAMILY DEVELOPMENT

DEVELOPMENT ZONED	LOTS AND BLDGS MUST MEET REQUIREMENTS OF	DENSITY FACTOR PER ACRE
RS-40 (WCA TIER 1)	CLUSTERING NOT AVAILABLE	
RS-40 (WCA TIER 2)	RS-40	0.20
RS-40 (WCA TIER 3 W/O SEWER)	RS-40	0.333

RS-40 (ALL OTHERS)	RS-20	1.0				
RS-30	RS-15	1.3				
RS-20	RS-12	1.9				
RS-15	RS-9	2.5				
RS-12	RS-7	3.0				
RS-9, RM-5	RS-5	4.0				
RS-7, RM-8	RS-5	5.0				
RM-12, RM-18						
RM-26, GO-M						
GO-H	RS-5	6.0				
Note: In overlay districts, greater requirements may apply. See any relevant overlay district regulations.						

d) Common area for open space shall be

- d) Common area for open space shall be located within the development to:
  - i) Preserve stands of trees, lakes, steep slopes, historic sites, or other significant features;
  - ii) Provide common green space in the development for aesthetic purposes and pedestrian use;
  - iii) Provide space for common recreation facilities and meeting places; or
  - iv) Provide buffering from adjacent land uses of higher intensity.
- e) Common area for open space shall be of usable dimensions, including a minimum width of twenty-four (24) feet, and shall be accessible to all homeowners in the development.
- 5) Performance Standards if within a WCA or GWA: See Section 30-7-1.7 (Clustering) for additional requirements.
- (C) Zero Side Setback:
  - 1) Zero Side Setback Option: Zero side setback development may be used in any district which permits single family uses if the development contains ten (10) or more contiguous lots and is served by municipal sanitary sewer.

- 2) Development Standards (See Appendix 5: Illustrations):
  - a) Setbacks of zero (0) feet are permitted only where the lots on both sides of the affected lot line are part of a zero side setback development.
  - b) A wall and roof maintenance easement (five (5) feet along one-story walls, ten (10) feet along two-story walls) shall be provided on the opposite side of the zero setback lot line.
  - c) Every lot shall provide one side setback of at least twice the minimum side setback required by the zoning district.
  - d) Whenever one side setback of a lot is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum required by the zoning district.
  - e) Unless abutting, the minimum separation between dwellings shall be ten (10) feet.
- 3) Dwelling Footprints Shown: The Preliminary Plat shall indicate the proposed single family dwelling footprint on each lot to show which side lot line will have a zero side setback and to show that all other required setbacks and maintenance easements are provided.
- (D) Lots Adjoining Public Open Space:
  - 1) Lot Area Reduction Option: Single family lots with public sewer service which abut a dedicated public drainageway and open space area may have less area than the minimum lot size required in Table 30-4-6-1, provided the following development standards are met.
  - 2) Development Standards (See Appendix 5: Illustrations):
    - a) No lot area shall be less than sixty percent (60%) of the minimum lot size for the zoning district or less than five thousand (5,000) square feet.
    - b) Rear setbacks may be reduced to fifteen (15) feet if rear property lines abut public drainageway and open space areas or if rear

property lines abut common area open space at least thirty (30) feet in width.

c) A note shall be placed on the Final Plat stating: "Lots have been reduced in area in accordance with Section 30-4-6.1(D), but all other dimensional requirements of the City of Greensboro Development Ordinance apply."

## 30-4-6.2 Multifamily Districts

- (A) Dimensional Requirements for Permitted Single Family District Uses in RM, GO-M, and GO-H Districts:
  - 1) Conventional Developments: Dimensional requirements for conventional developments are found in Table 30-4-6-3.
  - 2) Single Family Detached Cluster Developments, Zero Side Setback Developments, and Developments with Lots Adjoining Public Open Space: The provisions of Section 30-4-6.1(B) (Single Family Detached Cluster Development), Section 30-4-6.1(C) (Zero Side Setback), and Section 30-4-6.1(D) (Lots Adjoining Public Open Space) shall apply except that the cluster option may be used for developments or tracts of five (5) acres or more served by municipal sanitary sewer.

TABLE 30-4-6-3
DIMENSIONAL REQUIREMENTS FOR PERMITTED SINGLE FAMILY DISTRICT
USES, TWO-FAMILY DWELLINGS, AND GROUP CARE FACILITIES IN RM, GO-M,
AND GO-H DISTRICTS

	RM-5	RM-8	RM-12	GO-M	RM-18	RM-26	GO-H				
Min. Lot Size (sq.ft.)											
Single Family	8,500	7,000	7,000	7,000	5,000	5,000	5,000				
Two-Family	17,500	12,000	11,000	11,000	9,000	7,000	7,000				
All lots and structures must meet other requirements of	RS-9	RS-7	RS-7	RS-7	RS-5	RS-5	RS-5				
<b>Note:</b> In overlay districts, g	greater requ	<b>Note:</b> In overlay districts, greater requirements may apply. See any relevant overlay district regulations.									

- (B) Dimensional Requirements for Two-Family Dwellings and Group Care Facilities in RM, GO-M, and GO-H Districts: Dimensional requirements for such uses are found in Table 30-4-6-3.
- (C) Dimensional Requirements for Multifamily Developments in RM, GO-M, and GO-H Districts: Dimensional requirements for multifamily

developments, private dormitories, and congregate care facilities are found in Table 30-4-6-4.

- 1) General Requirements:
  - a) Each dwelling unit shall be connected to municipal water and sewer systems.
  - b) A multifamily dwelling shall not be placed behind and on the same zone lot as a single family detached dwelling.
  - c) To permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the fire marshall determines that fire hydrants and service drives will offer adequate protection.
  - d) All common driveways shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.
  - e) Except for private dormitories, off-street parking spaces shall be located within two hundred (200) feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five (5) or more spaces shall be located closer than ten (10) feet to a dwelling wall with windows or doors.
  - f) Walkways shall be provided between parking areas and building entrances. All walkways within two (2) feet of and perpendicular to parking spaces shall have a minimum width of six (6) feet. Any walkway serving only one dwelling unit, other than a handicapped unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be constructed of dustless all-weather surfaces.

# TABLE 30-4-6-4 DIMENSIONAL REQUIREMENTS IN RM & GO DISTRICTS FOR MULTIFAMILY DEVELOPMENTS (INCLUDING TOWNHOUSES AND RESIDENTIAL

# CONDOMINIUMS), RESIDENTIAL GROUP DEVELOPMENTS, PRIVATE DORMITORIES, SINGLE ROOM OCCUPANCY RESIDENCES, AND CONGREGATE CARE FACILITIES; AND FOR ANY NONRESIDENTIAL USES IN RM DISTRICTS.

	RM-5	RM-8	RM-12	GO-M	RM-18	RM-26	GO-H
Min. Lot Size (sq.ft.) (for first 3 DU's)	26,000	16,000	15,000	15,000	12,000	9,000	9,000
Additional Lot Area per Additional Unit (sq.ft.)	8,712	5,445	3,630	3,630	2,420	1,675	1,675
Min. Lot Width (ft.) (for first 3 DU's)	75	75	75	75	60	60	60
Additional Lot Width per additional Unit							
Min. Street Frontage (ft.)	50	50	50	50	50	50	50
Min. Street Setback (ft.) <sup>a</sup>							
Local, Subcollector & Collector	30/55	25/50	25/50	25/50	25/50	25/50	25/50
Minor Thoroughfare	40/75	35/70	35/70	35/70	35/70	35/70	35/70
Major Thoroughfare	50/95	45/90	45/90	45/90	45/90	45/90	45/90
Min. Interior Setback (ft.)b	20	20	20	20	20	20	20
Min. Building Separation (ft.)	20	20	20	20	20	20	20
Maximum Height (ft.)	50°	50°	50/80 <sup>d</sup>	50/80 <sup>d</sup>	50/80 <sup>d</sup>	50/- <sup>d</sup>	50/- <sup>d</sup>
Maximum Building Cover (percentage of lot)	35	40	45	45	45	50	50

a. Setback from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks from common private driveways are regulated by Section 30-4-6.2 (D) 2) b). Setbacks may be reduced in accordance with Section 30-4-7.2.

Note: In overlay districts, greater requirements may apply. See any relevant overlay district regulations.

## g) Open Space and/or Recreation Facilities

- i) Open space and/or recreation facilities shall be provided at the rate of ten percent (10%) of the total land area for private dormitories, developments under three (3) acres, and developments in the GO-H District with a building of more than four (4) stories. Only areas at least twenty-four (24) feet in width and one thousand (1,000) square feet in area shall be counted toward this requirement.
- ii) In other developments open space shall be provided at the rate of one (1) acre per one hundred (100) dwelling units. Such open space and/or

**b.** On lots less than one hundred and twenty (120) feet in width at any potential building locations, the minimum interior setback shall be ten (10) feet or twenty percent (20%) of the length of the building façade facing the property line, whichever is greater.

c. No more than three (3) full or partial stories entirely above grade.

d. Maximum height without/with additional setbacks. Increase all setbacks by one (1) foot for every one (1) foot in height between fifty (50) and eighty (80) feet, but not for additional height beyond eighty (80) feet.

recreation facilities may be at more than one location, but each such area must have at least ten thousand (10,000) square feet to be counted toward this requirement.

- iii) All such areas must have a minimum width of twenty-four (24) feet and be accessible to residents of the development at no charge. All such areas not occupied by recreational facilities shall be grassed, landscaped, or wooded. Suggested uses are swimming pools, tennis courts, play areas, passive recreation, etc. Prohibited uses are parking, garbage areas, mechanical equipment, and other similar uses. Land dedicated as parkland or as drainageway and open space shall count toward this requirement.
- h) No building shall exceed two hundred and fifty (250) feet in length unless it is designed for the elderly and has central facilities for dining and recreation.
- i) Stationary refuse containers (i.e. dumpsters or compactors) shall be provided in a number and size conforming with the requirements of the City. No container location shall interfere with sight distance or the free movement of vehicles on streets or access drives. Such locations shall also allow collection trucks adequate maneuvering space to empty the containers (without interference from utility lines or other structures) and to leave the property without excessive backing. Concrete pads constructed in accordance with standards of the City shall be located beneath and in the approach to each container.
- 2) Additional Requirements for Developments with Three (3) or More Principal Buildings or a Width at Any Potential

Building Location of One Hundred Twenty (120) Feet or More:

a) On the site plan an isosceles triangle (yard space triangle) shall be drawn from each building facade which, at its closest point, lies within one hundred (100) feet of a lot line other than a street right-of-way line or within one hundred (100) feet of another building in the development. Facades shall be designated on each building so that a minimum number, normally four, results. The base of the triangle shall be a line connecting the extreme ends of the facade (ignoring one-story storage rooms and other one-story protrusions of one hundred (100) square feet or less, exterior stairways. and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below:

Number of Stories	Altitude Factor			
1	0.4			
2	0.5			
3	0.6			
4 or more	0.7			

An isosceles triangle thus established shall not overlap any portion of another building, another triangle, or another property, unless that property is public parkland, dedicated drainageway and open space, or street right-of-way. (See Appendix 5: Illustrations.)

- b) Common private driveways shall be no closer than fifteen (15) feet to a dwelling.
- c) Play areas and active recreation facilities shall not be placed within fifty (50) feet of adjacent land used or zoned for single family residential purposes.
- d) All electric, communications, water, and sewer utility lines shall be installed underground.
- e) Arrangement of buildings in barracks-like rows shall not be allowed.

- 3) Multifamily Developments Divided by Streets:
  - a) When the developer dedicates and builds a new public street that divides a multifamily development, the street right-of-way may be included in lot area for the purpose of determining the maximum number of dwelling units permitted.
  - b) When a multifamily development occupies both sides of a street for a minimum centerline distance of four hundred (400) feet, the entire development may be treated as a single zone lot for purposes of calculation of the maximum number of dwelling units permitted and placement of buildings, provided that a plat is recorded with a prominent note specifying that the property must remain in one ownership (except for individual units in townhouse and condominium developments). Such a note on a plat is not required if the number of dwelling units and the placement of buildings on each side of the street independently meet all requirements of this Ordinance.
- 4) Multifamily Developments Including Dedicated Drainageway and Open Space: When the developer dedicates drainageway and open space to the public on the Final Plat of a multifamily development, the drainageway and open space shall be included in lot area for the purpose of determining the maximum number of dwelling units permitted.

#### 30-4-6.3 Nonresidential Districts

Dimensional requirements for nonresidential districts are shown in Table 30-4-6-5.

TABLE 30-4-6-5
NONRESIDENTIAL DISTRICTS DIMENSIONAL REQUIREMENTS

	LO	GO-M	GO-H	NB	LB	GB	НВ	СВ	sc	СР	LI	н	PI
Min. Lot Size (ac.)	-	-	-	-	-	-	-	-	5	10	-	-	5
Min. Development Width (ft.)	-	-	-	-	-	-	-	-	250	-	-	-	-
Min. Lot Size (sq. ft.) <sup>a</sup>	9,000	20,000g	20,000g	9,000b	15,000	12,000	20,000	-	20,000	40,000	20,000	20,000	40,000
Min. Lot Width (ft.)	60	100	100	60	80	75	100	-	-	150	100	100	150
Min. Street Frontage (ft.)i	60	75	75	60	80	75	100	-	100	100	75	75	100
Min. Street Setback (ft.)c													
Local, Subcollector & Collector	20/45	25/50	25/50	20/45	25/50	15/40	30/55	0/30	30/55	30/55	25/50	25/50	30/55
Minor Thoroughfare	30/65	30/65	30/65	30/65	30/65	15/50	40/75	0/35	40/75	40/75	30/65	30/65	40/75
Major Thoroughfare	35/80	35/80	35/80	35/80	35/80	15/60	50/95	0/45	50/95	50/95	35/80	35/80	50/95

Minor Interior Setbacks (ft.) Adj. to Non- Res. Adj. to Res. Zoning	0/5d 20	10 25	10 25	0/5d 20	10 25	0/5d 10	10 25	0/5d 10	20e 35e	20 50	0/5d 25	0/5d 50	20 35
Maximum Height (ft.)	50h	50/80f	50/-f	50h	50h	-	50/-f	-	50/-f	50/-f	50/-f	50/-f	50/-f
Maximum Building Cover (percentage of lot)	_	-	-	-	-	-	-	-	-	55	60	60	-

- a. Lots of Record having less than minimum required area may be developed pursuant to Section 30-4-11.1 (Nonconforming Lots of Record).
- b. Maximum district size of 3 acres (excluding any street right-of-way).
- c. Setbacks from right-of-way line or property line/street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Section 30-4-7.2.
- d. Zero setback if no setback is provided. If setback is provided it must be a minimum of five (5) feet.
- e. Development perimeter only. See footnote d if not on development perimeter.
- f. Maximum height without/with additional setbacks. Increase all setbacks by one (1) foot for every one (1) foot in height between fifty (50) and eighty (80) feet, but not for additional height beyond eighty (80) feet.
- g. Smaller lots are permitted for residential uses (refer to Tables 30-4-6-3 and 30-4-6-4).
- h. No more than three (3) full or partial stories entirely above grade.

NOTE: In overlay districts, greater requirements may apply. See relevant district regulations.

### 30-4-6.4 Traditional Neighborhood Districts

Dimensional requirements for the TN1 Traditional Neighborhood District are shown in Table 30-4-6-6. A developer may propose a modification of the dimensional requirements shown in Table 30-4-6-6 and it shall be reviewed in light of the Traditional Neighborhood Development Plan and in accordance with Section 30-9-11 (Modifications). Meeting minimum or maximum standards will not be, in and of itself, evidence of adherence to the purposes of the TN1 Traditional Neighborhood District or of good neighborhood planning.

TABLE 30-4-6-6
TRADITIONAL NEIGHBORHOOD DISTRICT DIMENSIONAL REQUIREMENTS

	0000	00 01011	Diiviei	10.0.17.1	'- ~ O '-	
	SF Detached	SF Attached	Multiple Family	Mixed Use	Commercial	Civic
Min. Lot Areas per D.U. (sq. ft.)	5,000a	3,600b	2,000b	2,000b	n/a	n/a
Min. Lot Width (ft.) Interior Lot Corner Lot	40 45	20 25	40 45	40 45	40 45	40 45
Min. Street Frontage (ft.)	40	15	40	n/a	n/a	n/a
Min. Street Setback (ft.)	10	5	5	0	0	0
Max. Street Setback (ft.)	20	20	20	5	5	20
Min. Interior Setback (ft.) <sup>Side</sup> Rear	5 5	0 5	5 10	0	0	0 5
Maximum Height (ft.)	50c	50c	50c	50c	50c	50c
Maximum Building Coverage	55%	55%	55%	70%	70%	55%
Maximum Bldg. Footprint (sq. ft.)	5,000	5,000	10,000	18,000	18,000	n/a

**a.** This is a minimum average lot size; some lots may be smaller.

#### 30-4-7 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

## **30-4-7.1 Structures Permitted Above Height Limits**

The height limitations of this Ordinance shall not apply to public buildings; churches; belfries; cupolas or domes (not intended for residential purposes); roof appurtenances such as housing for elevators, stairwells, skylights, ventilation equipment, or similar structures, including any structures designed to screen such appurtenances; monuments; water, observation, clock, or power transmission towers; silos or grain

**b.** Multiply this number by the number of dwelling units to get the minimum size of the zone lot.

**c.** No more than three (3) full or partial stories entirely above grade.

elevators; chimneys or smokestacks; derricks or conveyors; and flagpoles, provided such structures meet the NC Building Code.

### **30-4-7.2 Prevailing Street Setback**

Where fifty percent (50%) or more of the lots on the same side of the block as the lot in question are developed with less than the required street setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

## 30-4-7.3 Setbacks from Thoroughfares

- (A) Street Setbacks Required: In accordance with adopted Thoroughfare Plan(s), the following additional street setbacks shall be required. Each building adjacent to any thoroughfare listed in this Section shall be set back at least as far as the dimensions specified below measured from the centerline of such thoroughfare. Where future street lines have been established, building setback dimensions shall be measured from the centerline of the future street.
- (B) Alamance Church Road from U.S. 421 Southeast to the City Limits:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (C) Battleground Avenue from Benjamin Parkway at Smith Street to the City Limits:
  - 1) All residential districts, one hundred (100) feet.
- (D) Benjamin Parkway from Smith Street North to Battleground Avenue:
  - 1) All residential districts, one hundred (100) feet.
- (E) Bridford Parkway from Hilltop Road North to its Terminus:
  - 1) All office districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (F) Burlington Road from Huffine Mill Road East to the City Limits:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (G) Creek Ridge Road from Randleman Road West to its Terminus:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (H) Elm-Eugene Street from Vandalia Road South to the City Limits:
  - 1) All districts, one hundred (100) feet.

- (I) Fleming Road from Old Oak Ridge Road North to the City Limits:
  - 1) All residential districts, one hundred (100) feet.
- (J) Freeman Mill Road from Randleman Road South to Meadowview Road:
  - 1) All residential districts, one hundred (100) feet.
- (K) Friendly Avenue from Radiance Drive West to West Market Street:
  - 1) All districts, one hundred (100) feet.
- (L) High Point Road from Groometown Road South to the City Limits:
  - 1) All districts, one hundred (100) feet.
- (M) Hilltop Road from High Point Road West to the Westernmost City Limits:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (N) Holden Road from Friendly Avenue South to the City Limits:
  - 1) All districts, one hundred (100) feet.
- (O) Huffine Mill Road from Nealtown Road Northeast to the City Limits:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (P) Liberty Road from Alamance Court South to the City Limits:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (Q) Market Street from Aycock Street West to the City Limits
  - 1) All residential districts, one hundred (100) feet.
- (R) Nealtown Road from Burlington Road to White Street:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (S) New Garden Road from Battleground Avenue to Friendly Avenue:
  - 1) All districts, one hundred (100) feet.
- (T) Penry Road from Huffine Mill Road South to the City Limits:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (U) Summit Avenue from Phillips Avenue North to the City Limits:

- 1) All districts, one hundred (100) feet.
- (V) Vandalia Road from Holden Road West to Groometown Road:
  - 1) All nonresidential districts, eighty (80) feet.
  - 2) All residential districts, one hundred (100) feet.
- (W) Wendover Avenue from the East City Limits to the West City Limits:
  - 1) All districts, one hundred (100) feet.

## 30-4-7.4 Encroachments into Required Setbacks

- (A) Structures Permitted in Required Setbacks: The following are permitted in required setbacks provided that compliance is maintained with the provisions of Section 16-8 (Obstructions to Cross-Visibility at Intersections) of the City Code:
  - 1) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
  - 2) Pet shelters; at-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; HVAC equipment; mailboxes; outdoor fireplaces; public utility lines, poles, pumps, and boxes; wells; fences or retaining walls subject to the requirements of Section 30-4-9 (Fences); or similar structures.
  - 3) Handicap ramps except for porches and landings; and
  - 4) Steps not connected to any above-grade structure.
  - 5) Gatehouses/guardhouses and bus shelters with approval of the Planning Department and the City of Greensboro Department of Transportation.
- (B) Encroachments Permitted in Required Setbacks: The following structures may encroach into required setbacks as follows (See Appendix 5: Illustrations):
  - 1) Cornices, overhanging eaves and gutters, window sills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required setback, but in no case shall be closer than three (3) feet to any property line.
  - 2) Porches and decks may encroach into the required front and rear setbacks as follows:

<u>Type</u>	<u>Setback</u>	Maximum Encroachment	Maximum Area
Covered or Uncovered	Front	5 feet	35 sq. ft.
Uncovered Only,4 ft. or less above grade	Rear	50% of setback	-

- 3) Steps attached to above-grade structures:
  - a) may project anywhere within a street setback; and
  - b) if four (4) feet or less above grade, may project into an interior side or rear setback, but not within three (3) feet of a property line.
- (C) Canopy Projections: Gas station and convenience store gasoline service island canopies may be located in the street setback provided that no equipment or part of a canopy is located closer than fifteen (15) feet to a street right-of-way line.

#### 30-4-7.5 Easement Encroachments

- (A) Utility Easements: In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements. (Note: Prior to fence construction, the property owner should contact ULOCO at 1-800-632-4949.)
- (B) Drainage Maintenance and Utility Easements: Water dependent structures, such as boat docks, may be placed or constructed within drainage maintenance and utility easements.
- (C) Water Quality Conservation Easements: Water dependent structures, such as boat docks, may be placed or constructed within water quality conservation easements.

#### 30-4-8 ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS

The following requirements are for customary accessory buildings, structures, and uses. Other accessory buildings and structures containing specific accessory uses listed in Section 30-4-5.1 (Permitted Use Schedule) may have additional development requirements found in Section 30-5-2 (Development Standards for Individual Uses).

## 30-4-8.1 Location (See Appendix 5: Illustrations.)

- (A) Single Family Development: All accessory buildings and structures shall be located behind the front building line of the principal building.
- (B) Multifamily Development: Clubhouses, rental or administrative offices, and mailbox kiosks or shelters may be located in front of the front building line of the principal building, but shall follow the same street setbacks as the principal building. All other accessory buildings and structures shall be located behind the front building line of the principal building.

- (C) Nonresidential Development: Accessory buildings and structures may be located in front of the front building line of the principal building, but shall follow the same street setbacks as the principal building.
- (D) Easements: No accessory building or structure except for utility substations and improvements permitted by Section 30-4-7.5 (Easement Encroachments) shall be erected in any easement.
- (E) Minimum Building Separation: The distance between accessory buildings, or between accessory and principal buildings, shall be as follows:

	Accessory Buildin	ng/Structure Size
Building Separation	< 600 sq. ft.	>600 sq. ft.
	5 ft.	10 ft.

### 30-4-8.2 Setback Requirements

- (A) Street Setbacks: Accessory buildings and structures shall meet required street setbacks except as otherwise allowed in Section 30-4-7.4 (Encroachments into Required Setbacks).
- (B) Side and Rear Setbacks: Accessory buildings and structures shall meet the following side and rear setbacks except as otherwise allowed in Section 30-4-7.4 (Encroachments into Required Setbacks).
  - 1) Accessory buildings and structures with Single Family Detached Dwellings, Two-Family Dwellings, Manufactured Dwellings (on individual lots), Family Care Homes, Boarding Houses, and Rooming Houses:

Location Relative to Principal Building	Accessory Building/Structure Size					
	< !	600 sq. ft.	<u>&gt; 600 sq. ft</u>			
Between Front Wall and	<u>Side</u>	<u>Rear</u>	<u>Side</u>	<u>Rear</u>		
Rear Wall(projected)	Principal Building	NA	Principal Building	NA		
Behind Rear Wall	5 ft.	5 ft.	5 ft.	10 ft.		

2) Accessory Buildings and Structures with Other Principal Uses: Accessory buildings and structures for principal uses other than those listed in Section 30-4-8.2(B)1) above shall meet the same minimum side and rear setbacks as principal buildings or structures.

## 30-4-8.3 Height Requirements

- (A) Accessory Buildings and Structures: The height of all accessory buildings and structures, except for communication towers and as provided in Section 30-4-7.1 (Structures Permitted Above Height Limits), shall conform to the height limits of the zoning district in which they are located.
- (B) Accessory Communication Towers: Accessory communication towers may exceed the height limit of the district in which they are located with approval of a Special Use Permit.

#### 30-4-8.4 Maximum Area

For residential development in residential districts, the maximum total area of all accessory buildings for uses listed in Section 30-4-8.2(B) 1) shall not exceed fifty percent (50%) of the gross floor area of the principal building or six hundred (600) square feet, whichever is greater.

## 30-4-8.5 Other Requirements

- (A) Utilities: For buildings or structures accessory to detached single family and two family dwellings, water, sanitary sewer, and/or any other utilities shall be provided by branching service from the principal building.
- (B) Bathroom Facilities: Except for a pool house, no accessory building or structure in a residential single family district shall contain full bathroom facilities. Full bathroom facilities shall mean provision of a sink, toilet, and bathtub or shower.

#### 30-4-8.6 Use Requirements

An accessory use shall not exceed twenty-five percent (25%) of the gross sales, volume, floor area, land area, or any other appropriate measure of usage as determined by the Enforcement Officer.

#### **30-4-9 FENCES**

#### 30-4-9.1 Applicability

This Section shall regulate all fences unless otherwise stipulated in this Ordinance. Fences are permitted in required setbacks according to Section 30-4-7.4(A) (Structures Permitted in Required Setbacks), provided the requirements of this Section are met.

## 30-4-9.2 Temporary Fences

Nothing in this Section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the NC Building Code or Section 30-7-4 (Soil Erosion and Sedimentation Control).

#### **30-4-9.3 Permitted Fence Types**

The following fence types are permitted in all zoning districts:

(A) Masonry or stone walls;

- (B) Ornamental iron;
- (C) Chain-link or woven wire;
- (D) Wood; or
- (E) Similar materials.

## 30-4-9.4 Prohibited Fence Types

The following fence types are prohibited:

- (A) Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock in Agricultural Districts;
- (B) Fences carrying electrical current, except for the purpose of enclosing livestock in Agricultural Districts or as allowed in Subsection 30-4-9.7(G) (Low-Voltage Electrified Fencing);
- (C) Fences constructed of readily flammable material such as paper, cloth, or canvas;
- (D) Fences topped with barbed wire or metal spikes in residential districts, except those serving a public institution for public safety or security purposes; and
- (E) Fences constructed of concertina wire.

#### 30-4-9.5 Maintenance

Fences shall be maintained in a safe manner plumb (vertical) to the ground. Fences no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished.

## 30-4-9.6 Height

- (A) Residential Uses: Except as provided in this subsection, no fence shall exceed four (4) feet in height within fifteen (15) feet of any public or private street right-of-way. On lots where the rear or side yard adjoins a major thoroughfare or a minor thoroughfare and there is no driveway access and no sight distance interference, no fence shall exceed six (6) feet in height within (15) feet of the thoroughfare right-of-way. Otherwise, no fence shall exceed seven (7) feet in height.
- (B) Recreational and Agricultural Uses: No fence shall exceed eight (8) feet in height unless the fence observes the required principal building setbacks or is at least fifteen (15) feet from all property lines. Otherwise, no fence shall exceed twelve (12) feet in height, unless it is part of a ballfield backstop.
- (C) Commercial, Industrial, Institutional, Office, or Other Nonresidential Uses: No fence shall exceed eight (8) feet in height unless the fence

observes the required principal building setbacks or is at least fifteen (15) feet from all property lines or meets the requirements of Subsection 30-4-9.7(G) (Low-Voltage Electrified Fencing).

(D) Exceptions: Fence height limitations do not apply to fences built in conjunction with electric or gas substations; municipal solid waste disposal facilities; water or sewage treatment plants or facilities; municipal water storage facilities; public correctional and mental institutions; military facilities; or hazardous or radioactive waste treatment, storage, or disposal facilities.

### (E) Measurements:

- 1) Fence height shall be measured at the highest point, not including columns or posts, of the fence section as measured from the grade on the side nearest the abutting property or street.
- 2) Columns or posts shall not extend more than eighteen (18) inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four (4) feet, except at gates.
- 3) As measured in subsection 1) above, any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Safety railings required by the NC Building Code shall not be included in height measurements.

#### 30-4-9.7 Other Fence Requirements

- (A) Obstruction of View: No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.
- (B) Obstruction of Access: No fence shall block access from doors or windows. Fences shall be located at least two (2) feet from building walls except where fences project from a building wall.
- (C) Obstruction of Drainageway: Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
- (D) Height of Barbed Wire: On fences topped with barbed wire, the bottom strand must be at least six (6) feet above grade.
- (E) Historic Districts: Fences in Historic Districts shall meet the guidelines for that particular Historic District.
- (F) Within Required Planting Yards: The setback of fences within required planting yards shall be subject to the approval of a landscaping plan.

- (G) Low-Voltage Electrified Fencing: Low-voltage electrified fencing with a maximum of twelve (12) volts, primary voltage, is allowed in the Light Industrial and Heavy Industrial Districts subject to meeting the following:
  - 1) An electrified fence shall be no higher than ten (10) feet.
  - 2) An electrified fence shall be inside of or enclosed by a non-electrified fence or wall with a minimum height of six (6) feet.
  - 3) The entire electrified fence shall be separated from the non-electrified fence or wall by a minimum distance of at least (6) inches at the closest point.
  - 4) The electrified fence shall be identified as such by a warning sign displayed at the rate of at least one sign per fifty (50) linear feet of fencing.

#### 30-4-10 ZONE LOT REQUIREMENTS

### 30-4-10.1 Principal Buildings Per Lot

Every building hereafter erected or moved shall be located on a zone lot. In no case shall there be more than one (1) principal building and its accessory buildings on a zone lot except as provided below.

- (A) Nonresidential Group Development: Two or more principal nonresidential buildings are permitted on a zone lot pursuant to a site plan approved by the Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.
- (B) Residential Group Development: Two or more principal buildings are permitted on a zone lot in a multifamily development pursuant to a site plan approved by the Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.

#### 30-4-10.2 Street Access

- (A) Vehicular Access to Public Street Required: Every zone lot shall abut and have direct vehicular access to a publicly maintained street, except as provided below in this Section. No building or structure shall be constructed, erected, or placed on a zone lot that does not abut and have direct access to a publicly maintained street, except as provided below in this Section.
- (B) Dead-End Streets: For purposes of this Section, the terminus of a dead-end street does not provide the required access to a publicly maintained street unless that terminus is a circular turnaround or other

turnaround approved and constructed in conformance with Article VI (Subdivisions: Procedures and Standards).

- (C) Single Family Detached Cluster Developments: Private streets may be used to meet access requirements for lots in single family detached cluster developments and for single family or twin home lots in planned unit developments, provided the development as a whole abuts and has direct access to a publicly maintained street.
- (D) Townhouse Developments: Individual parcels shall have rights of access through common area containing private streets and/or private drives at least twenty-four (24) feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with Technical Review Committee approval.
- (E) Integrated Multiple Use Developments: Individual parcels, whether leased or sold, in integrated multiple use developments (refer to definition in Section 30-2-2.7 (General)) shall have shared rights of access along private streets and/or along private drives at least twenty-four (24) feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one dominant landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.
- (F) Shared Driveways Required by the Technical Review Committee: Where the Technical Review Committee for reasons of safety, preservation of street capacity, or watershed protection requires shared driveways in lieu of direct driveway access to each parcel, access to certain parcels shall be along private driveways covered by private access easements. Driveway maintenance shall be provided by using one of the three methods described in Subsection (E) above.
- (G) Alleys: Paved alleys maintained by the owners' association or by the City may be used to meet access requirements for lots in Traditional Neighborhood Districts and Planned Unit Development Districts.
- (H) Access Through Districts Permitted: Any use located in one zoning district which is also a permitted use in another zoning district may have access through such other zoning district in which the use is permitted without additional requirements.
- (I) Access from Public or Private Street Prohibited: Access from a public or private street through one zoning district in connection with a use not permitted in that district shall be prohibited unless it is the sole access to the property except in accordance with the following:
  - 1) Commercial uses may have access through industrial and office districts.

- 2) Industrial uses may have access through commercial districts.
- 3) Office uses may have access through industrial, commercial, and multifamily residential districts.
- (J) Exceptions: Special-purpose lots may provide access via easement in accordance with Section 30-4-13 (Special-Purpose Lots).

## **30-4-10.3 Integrated Multiple Use Developments**

- (A) Parking and Landscaping: A development qualifying as an integrated multiple use development (refer to definition in Section 30-2-2.7 (General) shall be treated as a single zone lot for purposes of providing required offstreet parking, required planting yards, required street access, required dimensional requirements, and signs, even if outparcels for sale are included within the development.
  - 1) If the entire development meets the total off-street parking requirement, it is not required that each parcel provide all the required parking for the use thereon.
  - 2) If required planting yards are provided along the development perimeter, including street frontages, and requirements for parking lot plantings are met, planting yards are not required along property lines and lease lines between two parcels within the integrated multiple use development.
- (B) Plat and Notice Requirements: If the owner of a development elects to organize it as an integrated multiple use development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and offstreet parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease to conform to the definition of an integrated multiple use development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

#### **30-4-11 NONCONFORMING SITUATIONS**

#### 30-4-11.1 Nonconforming Lots of Record

- (A) Lots with Contiguous Frontage in One Ownership;
  - 1) Platted lots of record which are at least fifty (50) feet in width and which have not at any time since the effective date of this Ordinance provided required setback, required

parking, or required planting yard for a use situated on a adjacent lot may be considered single lots of record under subsection (B) below.

- 2) Otherwise, when two (2) or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming, such lots shall be combined as a single zone lot or several zone lots conforming to the maximum extent possible with lot area and width requirements of the district, provided compliance is achieved with regard to setback dimensions and other requirements of this Ordinance.
- 3) Nothing contained herein exempts the contiguous lots considered as a single zone lot or lots from meeting the applicable County Board of Health regulations.

## (B) Single Lot of Record:

- 1) When a lot has an area or width which does not conform to the dimensional requirements of the district where it is located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions and other requirements, except lot area or width.
- 2) In residential districts, only a single family dwelling shall be permitted on a nonconforming lot.
- 3) Nothing contained herein exempts a lot from meeting the applicable County Board of Health regulations.

## 30-4-11.2 Nonconforming Use of Land

- (A) Continuance of Nonconforming Use of Land: Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance, or any nonconforming use created by the extension of the jurisdiction, may be continued subject to conditions provided in Section 30-4-11.2(B) below.
- (B) Conditions for Continuance: Such nonconforming use of land shall be subject to the following conditions:
  - 1) No nonconforming use shall be changed to another nonconforming use unless such use is determined by the Board of Adjustment to be of equal or less intensity. In

determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:

- a) anticipated traffic of each use;
- b) parking requirements of each use;
- c) anticipated number of persons on the premises of each use at a time of peak demand:
- d) off-site impacts of each use, such as lighting, noise, glare, dust, vibration, or smoke; and
- e) hours of operation.
- 2) No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land or floor area than was occupied at the effective date of adoption or amendment of this Ordinance. The number of dwelling units in a nonconforming residential use shall not be increased.
- 3) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 4) If any nonconforming use of land ceases for any reason for a continuous period of more than one (1) year, any subsequent use of such land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than one (1) year to maintain its nonconforming status.
- (5) The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
- 6) Any building containing a nonconforming use, which has been damaged by fire or other causes, may be repaired and used as before if accomplished within one (1) year of such damage, unless such building has been damaged to an extent exceeding fifty percent (50%) of its tax value prior to such damage, as established by the County Tax Department, in which case any use shall be in compliance with the provisions of this Ordinance.

## 30-4-11.3 Nonconforming Structures

- (A) Continuance of Nonconforming Structure: Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance, or any nonconforming structure created by extension of the jurisdiction, may remain subject to the conditions contained in Section 30-4-11.3(B) below.
- (B) Conditions for Continuance: Such nonconforming structures shall be subject to the following conditions:
  - 1) No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however, any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirements unless a variance is granted by the Board of Adjustment.
  - 2) In the event of damage by fire or other causes to an extent exceeding fifty percent (50%) of its tax value prior to such damage, as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance. The following exceptions to this rule shall apply:
    - a) Residential condominium and townhouse buildings may be rebuilt using the same footprint or a reduced footprint and the same or a smaller gross floor area, unless within a Floodway.
    - b) Within a multifamily development with a density exceeding the maximum permitted by Table 30-4-6-4 by no more than ten percent (10%), a residential building damaged to an extent exceeding that described above any be rebuilt unless all or a portion of it lies within a Floodway. It may be rebuilt on the same footprint, or at another location approved by the Technical Review Committee; but its gross floor area shall not be increased.
  - 3) In the event of damage by fire or other causes to an extent not exceeding fifty percent (50%) of its tax value prior to such damage, as established by the County Tax

Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

- a) in the same location and up to the same dimensions as originally existed; or
- b) in compliance with the current dimensional requirements.
- 4) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated.
- 5) Within single family detached cluster developments existing on the effective date of this Ordinance where a majority of the lot sizes are less than called for by Table 30-4-6-2, dwelling units may be enlarged, or rebuilt in case of destruction (subsections 1) through 4) above notwithstanding), provided that each resulting distance between buildings is equal to or greater than the sum, as applicable, of two (2) side setbacks, two (2) rear setbacks, or one (1) side and one (1) rear setback prescribed by Table 30-4-6-2, and further provided that the size and location have been approved by the homeowners' association.
- (C) Preservation of Safe or Lawful Conditions: Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building declared unsafe or unlawful by the Building Inspector or other duly authorized official.

**30-4-11.4** Nonconforming Situations Resulting from Governmental Acquisition Any zone lot reduced in size by municipal or State condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provision of this Ordinance.

#### **30-4-12 LOT SIZE REDUCTION PROHIBITIONS**

#### 30-4-12.1 Single Lot

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, planting yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

#### 30-4-12.2 Zone Lot

Where two or more contiguous lots in one ownership collectively form a zone lot (see Article II Definitions), that zone lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback,

parking, planting yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

### **30-4-12.3 Exemption**

The prohibitions in subsections 30-4-12.1 (Single Lot) and 30-4-12.2 (Zone Lot) shall not apply to municipal or state acquisition of land.

#### **30-4-13 SPECIAL-PURPOSE LOTS**

Requirements of this Article with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewage lift stations, and similar utility uses. Such lots shall comply with the requirements below.

#### **30-4-13.1 Minimum Size**

The special-purpose lot shall be permitted only after the Technical Review Committee has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, wherever required by this Ordinance, planting yards.

#### 30-4-13.2 Access Easement

If the special-purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of ten (10) feet shall be platted.

## 30-4-13.3 Platting

The subdivision to create the lot shall be approved in accordance with Article VI (Subdivisions: Procedures and Standards). The Final Plat shall label the lot as a special-purpose lot.

#### 30-4-14 STREET RIGHT-OF-WAY

## 30-4-14.1 Use of Street Right-of-Way

(A) Permitted Uses: Public or private street right-of-way may be used for pedestrian and vehicular circulation; on-street parking as permitted by the Transportation Department; governmental, warning, and development entrance signs as permitted in Article V (Zoning: Other Standards); and utilities and drainage structures approved by the Public Works Department. Mailboxes are permitted in locations that comply with all applicable provisions of Section 16-8 (Obstructions to Cross-Visibility at Intersections) of the City Code. Fences, steps, and walls are permitted only if approved and installed in compliance with Section 26-8 (Fences, Steps, and Similar Obstructions) of the City Code. On sidewalks, Sandwich Board Signs are permitted in compliance with Section 30-5-5.17 and structures (such as tables, chairs, barriers, etc.) associated with sidewalk cafes are permitted if said cafes are approved and operated in compliance with Section 26-244. (Sidewalk Cafes) of the City Code.

## (B) Permitted Projections:

- (1) Canopies, awnings, marquees, or similar covers attached to a building in the CB and GB Districts may project into the street right-of-way provided that:
  - a) No portion of the cover is located closer to the face of the street curb than a horizontal distance of three (3) feet.
  - b) No portion of the cover, or sign hanging below the cover, is less than (9) feet above grade.
  - c) No cover requiring vertical support to the sidewalk is located over a sidewalk with a total width of less than eight (8) feet.
- (2) Wall signs in the CB District may project into the street right-of-way.
- (C)Prohibited Uses: The following shall not be placed within public or private street right-of-way:
  - (1) Signs, other than those permitted in subsections (A) and
  - (B) above;
  - (2) Stock in trade, other than that permitted under Article VII (Street Shows, Exhibitions, Etc.) and Article VIII (Selling on Streets and Sidewalks) of Chapter 26 of the City Code;
  - (3) Storage; and
  - (4) Garbage or trash dumpsters.

#### 30-4-14.2 Visibility at Intersections

No fence, wall, sign, mailbox, shrubbery, tree, earthen berm, or other object or structure shall be placed or maintained on private property or in the right-of-way of any public or private street in such a manner as to violate any requirement of Section 16-8 (Obstructions to Cross-Visibility at Intersections) of the City Code. (See Appendix 5: Illustrations.)